

## 2007 ASSEMBLY BILL 815

February 15, 2008 – Introduced by Representatives KREUSER, SMITH, SINICKI, TURNER, GUNDERSON, ZIEGELBAUER, HAHN, POPE-ROBERTS, BERCEAU, A. WILLIAMS, ALBERS and SHERIDAN, cosponsored by Senators TAYLOR, LEHMAN and LAZICH. Referred to Committee on Criminal Justice.

1     **AN ACT to amend** 51.37 (10) (dx), 301.046 (4) (d), 301.048 (4m) (d), 301.38 (4),  
2             302.105 (4), 302.113 (9g) (g) 2. and 3., 302.114 (6) (b) and (e), 303.068 (4m) (d),  
3             304.06 (1) (f), 304.063 (4), 938.27 (4m), 938.51 (1) (b) 3. and (2), 971.095 (3),  
4             971.17 (6m) (b) 1., 971.17 (6m) (d) and 980.11 (4) of the statutes; **relating to:**  
5             crime victim notification procedures.

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### *Analysis by the Legislative Reference Bureau*

Under current law, victims of crimes may be notified of certain events, such as hearings for parole, sentence adjustments, conditional release, extended supervision, and supervised release; escapes; sentence expiration or discharge; or the granting of certain types of leave, that occur regarding the person who committed the crime. In general, to receive such notification, the victim must have completed a card provided by a district attorney or a clerk of circuit court and sent it to the Department of Corrections, the Department of Health and Family Services, or the parole commission, whichever is appropriate. Under this bill, the district attorney or clerk must provide a victim with the card and explain the purpose of the card. Then, unless the victim indicates that he or she does not want notification, the district attorney or clerk must assist the person in completing the card and send it to the appropriate recipient.

**ASSEMBLY BILL 815**

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 51.37 (10) (dx) of the statutes is amended to read:

2           51.37 **(10)** (dx) The department shall design and prepare cards to be sent to the  
3 department for persons specified in par. (dg) 3. ~~to send to the department.~~ The cards  
4 shall have space for these persons to provide their names and addresses, the name  
5 of the applicable patient, and any other information the department determines is  
6 necessary. The department shall provide the cards, without charge, to district  
7 attorneys. District attorneys shall provide ~~the cards~~ a card, without charge, to  
8 persons a person specified in par. (dg) 3. ~~These persons may, explain to the person~~  
9 the purpose of the card, assist the person in completing the card unless the person  
10 indicates that he or she does not want any notification, and, as soon as practically  
11 possible, send the completed cards card to the department. All departmental records  
12 or portions of records that relate to mailing addresses of these persons are not subject  
13 to inspection or copying under s. 19.35 (1).

14           **SECTION 2.** 301.046 (4) (d) of the statutes is amended to read:

15           301.046 **(4)** (d) The department shall design and prepare cards to be sent to the  
16 department for any person specified in par. (b) ~~to send to the department.~~ The cards  
17 shall have space for any such person to provide his or her name and address, the  
18 name of the applicable prisoner, and any other information the department  
19 determines is necessary. The department shall provide the cards, without charge,  
20 to district attorneys. District attorneys shall provide ~~the cards~~ a card, without  
21 charge, to ~~persons~~ a person specified in par. (b). ~~These persons may~~ If the person is

**ASSEMBLY BILL 815**

1 a person under par. (b) 2., he or she may send the completed card to the department.  
2 If the person is a person under par. (b) 1., the district attorney shall explain to the  
3 person the purpose of the card, assist the person in completing the card unless the  
4 person indicates that he or she does not want any notification, and, as soon as  
5 practically possible, send the completed cards card to the department. All  
6 department records or portions of records that relate to mailing addresses of these  
7 persons are not subject to inspection or copying under s. 19.35 (1).

8 **SECTION 3.** 301.048 (4m) (d) of the statutes is amended to read:

9 301.048 **(4m)** (d) The department shall design and prepare cards to be sent to  
10 the department for any person specified in par. (b) ~~to send to the department~~. The  
11 cards shall have space for any such person to provide his or her name and address,  
12 the name of the applicable participant, and any other information the department  
13 determines is necessary. The department shall provide the cards, without charge,  
14 to district attorneys. District attorneys shall provide ~~the cards~~ a card, without  
15 charge, to persons a person specified in par. (b). ~~These persons may~~ If the person is  
16 a person under par. (b) 2., the person may send the completed card to the department.  
17 If the person is a person under par. (b) 1., the district attorney shall explain to the  
18 person the purpose of the card, assist the person in completing the card unless the  
19 person indicates that he or she does not want any notification, and, as soon as  
20 practically possible, send the completed cards card to the department. All  
21 department records or portions of records that relate to mailing addresses of these  
22 persons are not subject to inspection or copying under s. 19.35 (1).

23 **SECTION 4.** 301.38 (4) of the statutes is amended to read:

24 301.38 **(4)** The department shall design and prepare cards to be sent to the  
25 department for any person specified in sub. (2) ~~to send to the department~~. The cards

**ASSEMBLY BILL 815****SECTION 4**

1 shall have space for any such person to provide his or her name, telephone number  
2 and mailing address, the name of the applicable prisoner, and any other information  
3 that the department determines is necessary. The department shall provide the  
4 cards, without charge, to district attorneys. District attorneys shall provide the  
5 cards a card, without charge, to persons a person specified in sub. (2). These persons  
6 may If the person is a person under sub. (2) (b), the person may send the completed  
7 card to the department. If the person is a person under sub. (2) (a), the district  
8 attorney shall explain to the person the purpose of the card, assist the person in  
9 completing the card unless the person indicates that he or she does not want any  
10 notification, and, as soon as practically possible, send the completed cards card to the  
11 department. All department records or portions of records that relate to telephone  
12 numbers and mailing addresses of these persons are not subject to inspection or  
13 copying under s. 19.35 (1).

14 **SECTION 5.** 302.105 (4) of the statutes is amended to read:

15 302.105 (4) The department shall design and prepare cards to be sent to the  
16 department for any person specified in sub. (2) ~~to send to the department~~. The cards  
17 shall have space for any such person to provide his or her name and address, the  
18 name of the applicable inmate, and any other information the department  
19 determines is necessary. The department shall provide the cards, without charge,  
20 to district attorneys. District attorneys shall provide ~~the cards~~ a card, without  
21 charge, to persons a person specified in sub. (2). These persons may If the person is  
22 a person under sub. (2) (b), the person may send the completed card to the  
23 department. If the person is a person under sub. (2) (a), the district attorney shall  
24 explain to the person the purpose of the card, assist the person in completing the card  
25 unless the person indicates that he or she does not want any notification, and, as soon

**ASSEMBLY BILL 815**

1 as practically possible, send the completed eards card to the department. All  
2 department records or portions of records that relate to mailing addresses of these  
3 persons are not subject to inspection or copying under s. 19.35 (1).

4 **SECTION 6.** 302.113 (9g) (g) 2. and 3. of the statutes are amended to read:

5 302.113 **(9g)** (g) 2. When a court sets a hearing date under par. (d), the clerk  
6 of the circuit court shall send a notice of hearing to the victim of the crime committed  
7 by the inmate, if ~~the victim has submitted a card~~ has been submitted for the victim  
8 under subd. 3. requesting notification. The notice shall inform the victim that he or  
9 she may appear at the hearing scheduled under par. (d) and shall inform the victim  
10 of the manner in which he or she may provide a statement concerning the  
11 modification of the inmate's bifurcated sentence in the manner provided in par. (f).  
12 The clerk of the circuit court shall make a reasonable attempt to send the notice of  
13 hearing to the last-known address of the inmate's victim, postmarked at least 10  
14 days before the date of the hearing.

15 3. The director of state courts shall design and prepare cards for a victim to send  
16 be sent to the clerk of the circuit court for the county in which the inmate was  
17 convicted and sentenced. The cards shall have space for a victim to provide his or  
18 her name and address, the name of the applicable inmate, and any other information  
19 that the director of state courts determines is necessary. The director of state courts  
20 shall provide the cards, without charge, to clerks of circuit court. Clerks of circuit  
21 court shall provide ~~the cards~~ a card, without charge, to victims. ~~Victims may~~ a victim,  
22 explain to the victim the purpose of the card, assist the victim in completing the card  
23 unless the victim indicates that he or she does not want any notification, and, as soon  
24 as practically possible, send the completed eards card to the clerk of the circuit court  
25 for the county in which the inmate was convicted and sentenced. All court records

**ASSEMBLY BILL 815**

1 or portions of records that relate to mailing addresses of victims are not subject to  
2 inspection or copying under s. 19.35 (1).

3 **SECTION 7.** 302.114 (6) (b) and (e) of the statutes are amended to read:

4 302.114 **(6)** (b) If an inmate petitions a court under sub. (5) or (9) (bm) for  
5 release to extended supervision under this section, the clerk of the circuit court in  
6 which the petition is filed shall send a copy of the petition and, if a hearing is  
7 scheduled, a notice of hearing to the victim of the crime committed by the inmate, if  
8 ~~the victim has submitted a card~~ has been submitted for the victim under par. (e)  
9 requesting notification.

10 (e) The director of state courts shall design and prepare cards for a victim to  
11 ~~send~~ be sent to the clerk of the circuit court in which the inmate is convicted and  
12 sentenced. The cards shall have space for a victim to provide his or her name and  
13 address, the name of the applicable inmate, and any other information the director  
14 of state courts determines is necessary. The director of state courts shall provide the  
15 cards, without charge, to clerks of circuit court. Clerks of circuit court shall provide  
16 ~~the cards~~ a card, without charge, to victims. ~~Victims may~~ a victim, explain to the  
17 victim the purpose of the card, assist the victim in completing the card unless the  
18 victim indicates that he or she does not want any notification, and, as soon as  
19 practically possible, send the completed cards card to the clerk of the circuit court in  
20 which the inmate was convicted and sentenced. All court records or portions of  
21 records that relate to mailing addresses of victims are not subject to inspection or  
22 copying under s. 19.35 (1).

23 **SECTION 8.** 303.068 (4m) (d) of the statutes is amended to read:

24 303.068 **(4m)** (d) The department shall design and prepare cards to be sent to  
25 the department for any person specified in par. (b) ~~to send to the department~~. The

**ASSEMBLY BILL 815**

1 cards shall have space for any such person to provide his or her name and address,  
2 the name of the applicable inmate, and any other information the department  
3 determines is necessary. The department shall provide the cards, without charge,  
4 to district attorneys. District attorneys shall provide ~~the cards~~ a card, without  
5 charge, to ~~persons~~ a person specified in par. (b). ~~These persons may~~ If the person is  
6 a person under par. (b) 2., the person may send the completed card to the department.  
7 If the person is a person under par. (b) 1., the district attorney shall explain to the  
8 person the purpose of the card, assist the person in completing the card unless the  
9 person indicates that he or she does not want any notification, and, as soon as  
10 practically possible, send the completed cards card to the department. All  
11 department records or portions of records that relate to mailing addresses of these  
12 persons are not subject to inspection or copying under s. 19.35 (1).

13 **SECTION 9.** 304.06 (1) (f) of the statutes is amended to read:

14 304.06 (1) (f) The parole commission shall design and prepare cards to be sent  
15 to the commission for persons specified in par. (c) 3. ~~to send to the commission.~~ The  
16 cards shall have space for these persons to provide their names and addresses, the  
17 name of the applicable prisoner, and any other information the parole commission  
18 determines is necessary. The parole commission shall provide the cards, without  
19 charge, to district attorneys. District attorneys shall provide ~~the cards~~ a card,  
20 without charge, to ~~persons~~ a person specified in par. (c) 3. ~~These persons may, explain~~  
21 to the person the purpose of the card, assist the person in completing the card unless  
22 the person indicates that he or she does not want any notification, and, as soon as  
23 practically possible, send the completed cards card to the parole commission. All  
24 commission records or portions of records that relate to mailing addresses of these  
25 persons are not subject to inspection or copying under s. 19.35 (1). Before any written

**ASSEMBLY BILL 815****SECTION 9**

1 statement of a person specified in par. (c) 3. is made a part of the documentary record  
2 considered in connection with a parole hearing under this section, the parole  
3 commission shall obliterate from the statement all references to the mailing  
4 addresses of the person. A person specified in par. (c) 3. who attends an interview  
5 or hearing under par. (eg) may not be required to disclose at the interview or hearing  
6 his or her mailing addresses.

7 **SECTION 10.** 304.063 (4) of the statutes is amended to read:

8 304.063 (4) The department shall design and prepare cards to be sent to the  
9 department for any person specified in sub. (2) ~~to send to the department~~. The cards  
10 shall have space for any such person to provide his or her name and address, the  
11 name of the applicable prisoner, and any other information the department  
12 determines is necessary. The department shall provide the cards, without charge,  
13 to district attorneys. District attorneys shall provide ~~the cards~~ a card, without  
14 charge, to ~~persons~~ a person specified in sub. (2). ~~These persons may~~ If the person is  
15 a person under sub. (2) (b), the person may send the completed card to the  
16 department. If the person is a person under sub. (2) (a), the district attorney shall  
17 explain to the person the purpose of the card, assist the person in completing the card  
18 unless the person indicates that he or she does not want any notification, and, as soon  
19 as practically possible, send the completed cards card to the department. All  
20 department records or portions of records that relate to mailing addresses of these  
21 persons are not subject to inspection or copying under s. 19.35 (1).

22 **SECTION 11.** 938.27 (4m) of the statutes is amended to read:

23 938.27 (4m) NOTICE TO VICTIMS. The district attorney or corporation counsel  
24 shall make a reasonable attempt to contact any known victim or alleged victim of a  
25 juvenile's act or alleged act to inform them of the right to receive notice of any hearing



**ASSEMBLY BILL 815**

1 under this chapter involving the juvenile. If Unless a victim or alleged victim  
2 indicates that he or she wishes not to receive that notice, the district attorney or  
3 corporation counsel shall make a reasonable attempt to notify, under s. 938.273, that  
4 victim or alleged victim of any hearing under this chapter involving the juvenile.  
5 Failure to comply with this subsection is not a ground for an appeal of a judgment  
6 or dispositional order or for any court to reverse or modify a judgment or dispositional  
7 order.

8 **SECTION 12.** 938.51 (1) (b) 3. and (2) of the statutes are amended to read:

9 938.51 (1) (b) 3. ~~The victim has sent in a~~ A request card has been sent in for  
10 the victim under sub. (2) or, if the victim was under 18 years of age when ~~his or her~~  
11 ~~parent~~ the request card was sent in ~~a request card~~ under sub. (2), the parent or  
12 guardian authorized on the request card direct notification of the victim after the  
13 victim attains 18 years of age.

14 **(2) NOTIFICATION REQUEST CARDS.** The department shall design and prepare  
15 cards for any person specified in sub. (1) (b), (c), (cm), or (d) to send be sent to the  
16 department or county department having supervision over a juvenile described in  
17 sub. (1), (1d), or (1g). The cards shall have space for the person's name, telephone  
18 number and mailing address, the name of the applicable juvenile, and any other  
19 information that the department determines is necessary. The cards shall advise a  
20 victim who is under 18 years of age that he or she may complete a card requesting  
21 notification under sub. (1) (b), (1d), or (1g) if the notification occurs after the victim  
22 attains 18 years of age and advising the parent or guardian of a victim who is under  
23 18 years of age that the parent or guardian may authorize on the card direct  
24 notification of the victim under sub. (1) (b), (1d), or (1g) if the notification occurs after  
25 the victim attains 18 years of age. The department shall provide the cards, without

**ASSEMBLY BILL 815****SECTION 12**

1 charge, to district attorneys. District attorneys shall provide ~~the cards~~ a card,  
2 without charge, to persons a person specified in sub. (1) (b) to (d). ~~These persons may~~  
3 If the person is a person under sub. (1) (d), the person may send the completed card  
4 to the department or county department having supervision over the juvenile.  
5 Otherwise, the district attorney shall explain to the person the purpose of the card,  
6 assist the person in completing the card unless the person indicates that he or she  
7 does not want any notification, and, as soon as practically possible, send the  
8 completed cards card to the department or county department having supervision  
9 over the juvenile. Department and county department records or portions of records  
10 that relate to telephone numbers and mailing addresses of these persons are not  
11 subject to inspection or copying under s. 19.35 (1).

12 **SECTION 13.** 971.095 (3) of the statutes is amended to read:

13 971.095 (3) ~~At the request of a~~ Unless the victim requests not to be notified,  
14 a district attorney shall make a reasonable attempt to provide ~~the~~ a victim with  
15 notice of the date, time, and place of scheduled court proceedings in a case involving  
16 the prosecution of a crime of which he or she is a victim and any changes in the date,  
17 time, or place of a scheduled court proceeding for which the victim has received  
18 notice. This subsection does not apply to a proceeding held before the initial  
19 appearance to set conditions of release under ch. 969.

20 **SECTION 14.** 971.17 (6m) (b) 1. of the statutes is amended to read:

21 971.17 (6m) (b) 1. ~~If the person has submitted a card~~ has been submitted for  
22 a person under par. (d) requesting notification, make a reasonable attempt to notify  
23 the victim of the crime committed by the defendant, or, if the victim died as a result  
24 of the crime, an adult member of the victim's family, or, if the victim is younger than  
25 18 years old, the victim's parent or legal guardian.

**ASSEMBLY BILL 815**

1           **SECTION 15.** 971.17 (6m) (d) of the statutes, as affected by 2007 Wisconsin Act  
2           20, section 9121 (6) (a), is amended to read:

3           971.17 **(6m)** (d) The department of health services shall design and prepare  
4           cards for persons specified in par. (b) 1. ~~to send~~ be sent to the department. The cards  
5           shall have space for these persons to provide their names and addresses, the name  
6           of the applicable defendant, and any other information the department determines  
7           is necessary. The department shall provide the cards, without charge, to district  
8           attorneys. District attorneys shall provide ~~the cards~~ a card, without charge, to  
9           persons a person specified in par. (b) 1. ~~These persons may, explain to the person the~~  
10          purpose of the card, assist the person in completing the card unless the person  
11          indicates that he or she does not want any notification, and, as soon as practically  
12          possible, send the completed cards card to the department. All departmental records  
13          or portions of records that relate to mailing addresses of these persons are not subject  
14          to inspection or copying under s. 19.35 (1), except as needed to comply with a request  
15          under sub. (4m) (d) or s. 301.46 (3) (d).

16          **SECTION 16.** 980.11 (4) of the statutes, as affected by 2007 Wisconsin Act 20,  
17          section 9121 (6) (a), is amended to read:

18          980.11 **(4)** The department shall design and prepare cards to be sent to the  
19          department for persons specified in sub. (2) (am) ~~to send to the department~~. The  
20          cards shall have space for these persons to provide their names and addresses, the  
21          name of the person committed under this chapter, and any other information the  
22          department determines is necessary. The department shall provide the cards,  
23          without charge, to the department of justice and district attorneys. The department  
24          of justice and district attorneys shall provide ~~the cards~~ a card, without charge, to  
25          persons a person specified in sub. (2) (am). ~~These persons may, explain to the person~~

**ASSEMBLY BILL 815**

1 the purpose of the card, assist the person in completing the card unless the person  
2 indicates that he or she does not want any notification, and, as soon as practically  
3 possible, send completed cards to the department of health services. All records or  
4 portions of records of the department of health services that relate to mailing  
5 addresses of these persons are not subject to inspection or copying under s. 19.35 (1),  
6 except as needed to comply with a request by the department of corrections under s.  
7 301.46 (3) (d).

**SECTION 17. Initial applicability.**

8  
9 (1) The treatment of sections 51.37 (10) (dx), 301.046 (4) (d), 301.048 (4m) (d),  
10 301.38 (4), 302.105 (4), 302.113 (9g) (g) 3., 302.114 (6) (e), 303.068 (4m) (d), 304.06  
11 (1) (f), 304.063 (4), 938.51 (2), 971.17 (6m) (d), and 980.11 (4) of the statutes first  
12 applies to notification cards provided on the effective date of this subsection.

13 (2) The treatment of section 938.27 (4m) of the statutes first applies to victims  
14 informed of their right to receive notice on the effective date of this subsection.

15 (3) The treatment of section 971.095 (3) of the statutes first applies to a notice  
16 to be given on the effective date of this subsection.

**SECTION 18. Effective date.**

17  
18 (1) This act takes effect on the first day of the 4th month beginning after  
19 publication.

20 (END)