

2009 DRAFTING REQUEST

Bill

Received: **01/06/2009**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing:

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - procedure
Criminal Law - sex offenses**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gundrum@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Preliminary hearing for allegations of sexual exploitation by therapist

Instructions:

See attached--2007 AB-335

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>
/?	chanaman 01/06/2009	bkraft 01/24/2009		_____			
/1			rschluet 01/26/2009	_____	sbasford 01/26/2009	sbasford 09/11/2009	

FE Sent For:

none

<END>

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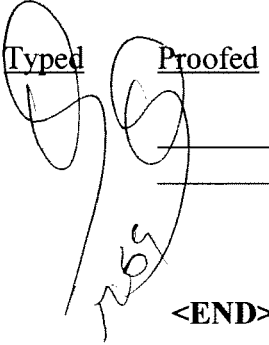
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1?	chanaman	1 bjk 1/24					

FE Sent For:

<END>

2007 ASSEMBLY BILL 335

SAV
x-ref v

May 15, 2007 - Introduced by Representatives GUNDRUM, HRAYCHUCK, KESTELL, BERCEAU, BALLWEG, A. OTT, BIES, PETROWSKI, GUNDERSON, HAHN, ALBERS, MURSAU, TOWNSEND, FRISKE and NYGREN, cosponsored by Senators DARLING, KEDZIE and ROESSLER. Referred to Committee on Judiciary and Ethics.

see cat

1 AN ACT to amend 970.03 (4) (a) of the statutes; relating to: preliminary
2 hearings for allegations of sexual exploitation by a therapist.

contain crimes such as

Analysis by the Legislative Reference Bureau

> Under current law, a preliminary hearing is a hearing before a court to determine if probable cause exists to believe the defendant has committed a felony. If the defendant is accused of first-degree sexual assault, sexual assault of a child, sexual exploitation of a child, or incest with a child, the court may exclude from the hearing all persons who are not court officers, family members of the complainant or the defendant, or other persons required to attend if the court finds that the state or the defendant has established a compelling interest that would likely be prejudiced if the persons were not excluded. A compelling interest could be the need to protect the complainant from undue embarrassment and emotional trauma.

This bill adds sexual exploitation by a therapist to the list of felonies for which the preliminary hearing may be closed.

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

3
4
5

SECTION 1. 970.03 (4) (a) of the statutes is amended to read:
970.03 (4) (a) If the defendant is accused of a crime under s. 940.22, 940.225, 948.02, 948.025, 948.05, 948.06, 948.085, or 948.095, the court may exclude from the

ASSEMBLY BILL 335

1 hearing all persons who are not officers of the court, members of the complainant's
2 or defendant's families or others considered by the court to be supportive of the
3 complainant or defendant, the service representative, as defined in s. 895.45 (1) (c),
4 or other persons required to attend, if the court finds that the state or the defendant
5 has established a compelling interest that would likely be prejudiced if the persons
6 were not excluded. The court may consider as a compelling interest, among others,
7 the need to protect a complainant from undue embarrassment and emotional
8 trauma.

(END)

INS
2-9

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1346/lins
CMH:.....

1 Insert 2-9 X
2 **SECTION 1.** 970.03 (4) (a) of the statutes is amended to read:
3 970.03 (4) (a) If the defendant is accused of a crime under s. 940.22, 940.225,
4 948.02, 948.025, 948.05, 948.051, 948.06, 948.085, or 948.095, or under s. 940.302 (2),
5 if the court finds that the crime was sexually motivated, as defined in s. 980.01 (5),
6 the court may exclude from the hearing all persons who are not officers of the court,
7 members of the complainant's or defendant's families or others considered by the
8 court to be supportive of the complainant or defendant, the service representative,
9 as defined in s. 895.45 (1) (c), or other persons required to attend, if the court finds
10 that the state or the defendant has established a compelling interest that would
11 likely be prejudiced if the persons were not excluded. The court may consider as a
12 compelling interest, among others, the need to protect a complainant from undue
13 embarrassment and emotional trauma.

History: 1975 c. 184; 1977 c. 449; 1979 c. 112, 332; 1985 a. 267; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 332 s. 64; 1987 a. 403; Sup. Ct. Order, 158 Wis. 2d xvii (1990); 1991 a. 193, 276; 1993 a. 27, 98, 227, 486; 1995 a. 456; 1997 a. 252; 1999 a. 111; 2001 a. 103; 2003 a. 36; 2005 a. 42, 155, 277; 2007 a. 97, 116.

Basford, Sarah

From: Rep.Gundrum
Sent: Friday, September 11, 2009 10:19 AM
To: LRB.Legal
Subject: Please Jacket LRB-1346/1 for Introduction

Please jacket LRB-1346/1 for introduction.

Thank you.

09/11/2009