



2009 ASSEMBLY BILL 810

March 4, 2010 – Introduced by Representatives SHILLING, TURNER, HILGENBERG, MILROY, MOLEPSKE JR., SINICKI and SUDER, cosponsored by Senators TAYLOR and KREITLOW. Referred to Committee on Judiciary and Ethics.

1 **AN ACT** *to create* 905.16 of the statutes; **relating to:** creating a privilege for
2 communications to veteran mentors.

Analysis by the Legislative Reference Bureau

Under current law, a communication between certain persons, such as between spouses, between a lawyer and client, and between a patient and a physician, is considered privileged and may not be disclosed without permission of the person who made the communication. The spouse, client, or patient may prevent the disclosure of the privileged communication, with certain exceptions.

This bill creates a privilege against disclosure of a communication made between a veteran or a member of the armed forces or national guard and a veteran mentor. A veteran mentor is a veteran who is authorized by a circuit court judge to provide assistance and advice to a veteran or a member of the armed forces or national guard regarding court-related matters. To be a veteran mentor, the person must have completed a judicially approved veterans mentoring training program and completed a background information form approved by a circuit court. The privilege does not apply to communications that the veteran has agreed in writing to allow to be disclosed as a condition of his or her participation in the veterans mentoring program.

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

ASSEMBLY BILL 810

1 **SECTION 1.** 905.16 of the statutes is created to read:

2 **905.16 Communications to veteran mentors. (1) DEFINITIONS.** As used in
3 this section:

4 (a) A communication is “confidential” if not intended to be disclosed to 3rd
5 parties other than to those persons present to further the interests of the veteran or
6 the member of the armed forces or national guard or to persons reasonably necessary
7 for the transmission of the communication.

8 (b) A “veteran mentor” is an individual who meets all of the following criteria:

9 1. Served on active duty in the U.S. armed forces or in forces incorporated in
10 the U.S. armed forces, served in a reserve unit of the U.S. armed forces, or served in
11 the national guard.

12 2. Is on the list of persons authorized by a circuit court judge to provide
13 assistance and advice in a veterans mentoring program.

14 3. Has successfully completed a judicially approved veterans mentoring
15 training program.

16 4. Has completed a background information form approved by a circuit court
17 judge from a county that is participating in a veterans mentoring program.

18 (c) “Veterans mentoring program” is program approved by a circuit court judge
19 to provide assistance and advice to veterans and current members of the U.S. armed
20 forces, forces incorporated in the U.S. armed forces, a reserve unit of the U.S. armed
21 forces, or the national guard, in court-related matters.

22 **(2) GENERAL RULE OF PRIVILEGE.** A person has a privilege to refuse to disclose
23 and to prevent another from disclosing a confidential communication by the person
24 to a veteran mentor.

