



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 810**

April 7, 2010 – Offered by Representative SHILLING.

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

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

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

4           **905.16 Communications to veteran mentors. (1) DEFINITIONS.** As used in  
5           this section:

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

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

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

4           2. Has successfully completed a judicially approved veterans mentoring  
5 training program.

6           3. Has completed a background information form approved by a circuit court  
7 judge from a county that is participating in a veterans mentoring program.

8           4. Is on the list of persons authorized by a circuit court judge to provide  
9 assistance and advice in a veterans mentoring program.

10          (c) “Veteran or member” means an individual who is serving or has served on  
11 active duty in the U.S. armed forces or in forces incorporated in the U.S. armed  
12 forces, in a reserve unit of the U.S. armed forces, or in the national guard.

13          (d) “Veterans mentoring program” is a program approved by a circuit court  
14 judge to provide assistance and advice to a veteran or member.

15          **(2) GENERAL RULE OF PRIVILEGE.** A veteran or member has a privilege to refuse  
16 to disclose and to prevent another from disclosing a confidential communication  
17 made by the veteran or member to a veteran mentor while the veteran mentor is  
18 acting within the scope of his or her duties under the veterans mentoring program.

19          **(3) WHO MAY CLAIM THE PRIVILEGE.** The privilege may be claimed by the veteran  
20 or member, by the veteran’s or member’s guardian or conservator, or by the veteran’s  
21 or member’s personal representative if the veteran or member is deceased. The  
22 veteran mentor may claim the privilege on behalf of the veteran or member. The  
23 veteran mentor’s authority to claim the privilege on behalf of the person is presumed  
24 in the absence of evidence to the contrary.

25          **(4) EXCEPTION.** There is no privilege under this section as to the following:

1 (a) A communication that indicates that the veteran or member plans or  
2 threatens to commit a crime or to seriously harm himself or herself.

3 (b) A communication that the veteran or member has agreed in writing to allow  
4 to be disclosed as a condition of his or her participation in the veterans mentoring  
5 program.

6 (END)