

**2009 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB810)**

Received: 03/10/2010

Received By: rnelson2

Wanted: **Soon**

Companion to LRB:

For: **Jennifer Shilling (608) 266-5780**

By/Representing: **Tony**

May Contact:

Drafter: **rnelson2**

Subject: **Veterans - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Veterans mentor program

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**Instructions:**

See attached

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**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>
/?	rnelson2 03/10/2010	bkraft 03/11/2010		_____			
/1			jfrantze 03/12/2010	_____	sbasford 03/12/2010	sbasford 03/12/2010	
/2	rnelson2 03/30/2010	bkraft 03/30/2010	jfrantze 03/31/2010	_____	cduerst 03/31/2010	cduerst 03/31/2010	

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1/2 bjk 2/30  
Jo  
3/30  
fm 3/31  
<END>

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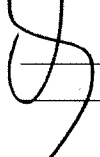
**Instructions:**

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FE Sent For:

<END>

**Nelson, Robert P.**

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**From:** Palese, Anthony  
**Sent:** Wednesday, March 10, 2010 12:05 PM  
**To:** Nelson, Robert P.  
**Cc:** Frechette, Heidi  
**Subject:** AB 810 Amendment

Hi Bob,

Thanks for coming over this morning. Here are the changes we would like to make to AB 810 (probably in a substitute amendment). I've also cc'd Heidi from Leg. Council who was at the hearing on this bill.

**Clarify the use of the word "person" and "veteran" in the bill.** I think for this, it might make sense to use the phrase "veteran mentee" and define this as: "An individual who is a veteran or member of the armed forces or national guard and who is participating in or being served by a veterans mentoring program"

**Renumber the veteran mentor criteria so it reads:**

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

1. Served on active duty in the U.S. armed forces or in forces incorporated in the U.S. armed forces, served in a reserve unit of the U.S. armed forces, or served in the national guard.
2. Has successfully completed a judicially approved veterans mentoring training program.
3. Has completed a background information form approved by a circuit court judge from a county that is participating in a veterans mentoring program.
4. Is on the list of persons authorized by a circuit court judge to provide assistance and advice in a veterans mentoring program.

**Change the "General Rule of Privilege" Section.** I can't remember the exact language we discussed, but include additional language that says this privilege applies to communications made as part of the veterans mentoring program.

**Include an additional exception that exempts conversations mentioning crimes.** I think for this section, we'd like to do something like this:

(4) EXCEPTION. There is no privilege under this section:

(a) If the veteran plans or threatens to commit a crime

(b) If the veteran has agreed in writing to allow a conversation to be disclosed as a condition of his or her participation in the veterans mentoring program.

If you have any questions, please feel free to let me know.

Thanks!

**Tony Palese**

Legislative Aide

Office of Rep. Jennifer Shilling

State Capitol, Room 320 East  
PO Box 8953, Madison, WI 53708  
(608) 266-5780 voice  
(888) 534-0095 toll free  
(608) 282-3695 fax



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-4089/2

RPN:bjk:rs

3/10 Schilling office.  
Tony suggested changes  
**2009 ASSEMBLY BILL 810**

He will call with additional  
changes

A Sub  
And

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 4 ~~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 2 ~~3~~. Has successfully completed a judicially approved veterans mentoring  
15 training program.

16 3 ~~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 <sup>a veteran</sup> person has a privilege to refuse to disclose  
23 and to prevent another from disclosing a confidential communication by the <sup>made</sup> person <sup>veteran</sup>

24 to a veteran mentor <sup>made with</sup> while the veteran <sup>scope of his or</sup> mentor <sup>veteran mentor's</sup> is <sup>her data</sup> assisting <sup>under the veteran</sup> <sup>mentor's prog.</sup>





FROM  
- 4089/2

50331/1  
LRE 4089/2 e  
RPN:bjk:rs

↳ stays

ASSEMBLY SUB AME  
to

## 2009 ASSEMBLY BILL 810

SA Inserts

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.

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- 1 AN ACT *to create* 905.16 of the statutes; **relating to:** creating a privilege for
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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.

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



ASSEMBLY BILL 810

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

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

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

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

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

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

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

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

"Veterans mentoring program" is program approved by a circuit court judge to provide assistance and advice to veterans and current members of the U.S. armed forces, forces incorporated in the U.S. armed forces, a reserve unit of the U.S. armed forces, or the national guard, in court-related matters.

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

INS 2-24

(10 2-21)

member

veteran or member made

move

ins 2-17

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24

ASSEMBLY BILL 810

x4 Veteran or member

1

(3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the ~~person~~ <sup>x2 veterans or members</sup>

2

by the ~~person's~~ guardian or conservator, or by the ~~person's~~ personal representative

3

if the ~~person~~ is deceased. The veteran mentor may claim the privilege on behalf of

4

the ~~person~~. The veteran mentor's authority to claim the privilege on behalf of the

5

~~person~~ is presumed in the absence of evidence to the contrary.

145 3-6 6

(4) EXCEPTION. There is no privilege under this section as to ~~communications~~ <sup>the following</sup>

7

~~that~~ <sup>Communication</sup> the veteran <sup>or member</sup> has agreed in writing to allow to be disclosed as a condition of his

8

or her participation in the veterans mentoring program.

9

(END)

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBs0331/ins

RPN

Ljk

1

ins 2-~~22~~<sup>11</sup>:  
c

2

"Veteran or member" means an individual who is serving or served on active  
duty in the U.S. armed forces or in forces incorporated in the U.S. armed forces, in  
a reserve unit of the U.S. armed forces, or in the national guard.

5

6

ins. 2-24: while the veteran mentor is acting within the scope of his or her  
duties under the veteran mentoring program

7

8

9

ins. 3-6:

10

(a) A communication that indicates that the veteran or member plans or  
threatens to commit a crime.

11

**Nelson; Robert P.**

---

**From:** Palese, Anthony  
**Sent:** Tuesday, March 30, 2010 3:09 PM  
**To:** Nelson, Robert P.  
**Cc:** Peterson, Eric  
**Subject:** RE: AB 810 Amendment

**Attachments:** 09s03311.pdf

Hi Bob,

I wanted to get back to you regarding our sub amendment to AB 810 and SB 617.

We had our folks look this over, and I think the only changes that we would like to make to LRB s0331/1 are on page 3. On line 2 after "threatens to commit a crime", we would like to add "or threatens to seriously harm themselves." Also, on line 3, I think there should be an "A" before "communication" so that it reads the same as the first exception.

Other than these two changes, I think the sub looks fine and we'd like to have a revised version for AB 810 jacketed and sent over to our office. I've cc'd Eric from Sen. Taylor's office on this email as well, and they might also want to introduce a sub to SB 617.

Thanks, and let me know if you have any questions for us.

**Tony Palese**  
Legislative Aide  
Office of Rep. Jennifer Shilling

State Capitol, Room 320 East  
PO Box 8953, Madison, WI 53708  
(608) 266-5780 voice  
(888) 534-0095 toll free  
(608) 282-3695 fax



09s03311.pdf (22 KB)

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**From:** Nelson, Robert P.  
**Sent:** Wednesday, March 10, 2010 12:51 PM  
**To:** Palese, Anthony  
**Subject:** RE: AB 810 Amendment

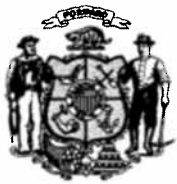
Tony,

Are you working with a senator on a companion bill?

Bob N

---

**From:** Palese, Anthony



Soon

Stays

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

SA

regen.

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

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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:

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(a) A communication that indicates that the veteran or member plans or

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threatens to commit a crime

*or to seriously harm himself or herself*

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(b) 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)