



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2011 Assembly Bill 232**

**Senate  
Amendment 1**

*Memo published:* March 13, 2012

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2011 Assembly Bill 232 relates to rights of crime victims and witnesses.

### **Assembly Bill 232**

Current statutes contain a basic bill of rights for crime victims and witnesses. Assembly Bill 232, as passed by the Assembly, adds that a crime victim has a right to be treated with fairness, dignity, and respect for his or her privacy by public officials, employees, or agencies, and to be free from intimidation, harassment, discrimination, or abuse by public officials, employees, or agencies. This provision does not impair the right or duty of a public official or employee to conduct his or her official duties in a reasonable and proper manner, including the right and duty for a district attorney (DA) to determine whether to file criminal charges in a particular case.

The bill also provides that a crime victim or a witness has a right not to have his or her name, Social Security number, telephone number, street address, post-office box number, nine-digit extended zip code, or electronic mail address (hereafter, “personal identifiers”) used or disclosed by a public official, employee, or agency for a purpose that is unrelated to the official responsibilities of the official, employee, or agency.

The bill creates a new provision under which a crime victim has a right to assert, in a court in the county in which the alleged violation occurred, his or her rights as a crime victim under the bill or rights for crime victims or witnesses or under the Wisconsin Constitution. The bill specifies that this provision does not preclude a DA from asserting a victim’s statutory or constitutional crime victim’s rights in a criminal case or in a proceeding or motion brought under this newly created provision.

### **Senate Amendment 1**

The chapter of the statutes relating to rights for crime victims and witnesses contains a legislative intent statement in which the Legislature declares its intent to ensure that all crime victims and witnesses are treated with dignity, respect, courtesy, and sensitivity and that the rights extended in the chapter are honored and protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protection afforded criminal defendants. Senate Amendment 1 adds a sentence to this statement that nothing in the chapter relating to rights of crime victims and witnesses shall be construed to impair the exercise of prosecutorial discretion.

The amendment deletes the language in the bill that a crime victim has the right to be free from intimidation, harassment, discrimination, or abuse by public officials, employees, or agencies. Further, the amendment provides that the right of a crime victim to be treated with fairness, dignity, and respect for his or her privacy by public officials, employees, or agencies does not impair the right or duty of a public official or employee to conduct his or her official duties reasonably and in good faith. This replaces the language of the bill under which such right does not impair the right or duty of a public official or employee to conduct his or her official duties in a reasonable and proper manner, including the right and duty for a DA to determine whether to file criminal charges in a particular case.

### **Legislative History**

Senator Wanggaard offered Senate Amendment 1. On March 12, 2012, the Senate Committee on Judiciary, Utilities, Commerce and Government Operations recommended adoption of Senate Amendment 1 on a vote of Ayes, 3; Noes, 2 and voted unanimously to recommend concurrence in the bill, as amended.

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