



2013 SENATE BILL 396

November 11, 2013 – Introduced by Senators LASSA, L. TAYLOR, HARRIS, RISSER, LEHMAN, SCHULTZ, SHILLING, WIRCH and ERPENBACH, cosponsored by Representatives GOYKE, WRIGHT, BARNES, KAHL, RICHARDS, HULSEY, PASCH, DANOU, MASON, MILROY, BERCEAU, SINICKI, GENRICH, HEBL, POPE, ZAMARRIPA, VRUWINK, OHNSTAD, RINGHAND, A. OTT, CLARK, JORGENSEN, WACHS, C. TAYLOR, KLEEFISCH, JOHNSON and RIEMER. Referred to Committee on Judiciary and Labor.

1 **AN ACT** *to amend* 949.08 (1); and *to create* 949.06 (1) (am), 949.08 (1m) and
2 949.175 of the statutes; **relating to:** awards for the victims of crimes and
3 making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, a person who is the victim of a crime or a close relative of a victim of a crime may receive compensation for certain losses he or she suffers as a result of the crime, including payment for medical treatment, replacement of lost or damaged property, and certain economic losses, including loss of income that occurs as a result of the crime. Under current law, a person may apply, within one year after the crime occurs, to the Department of Justice (DOJ) for an award if the person reported the crime to law enforcement within five days after the crime occurred. Current law allows DOJ to grant an award after the one-year deadline for application has passed in the interest of justice.

Under current law, DOJ may award up to \$40,000 per injury or death and generally makes the payment in one lump sum. However, DOJ may make periodic payments in the case of a death or protracted disability.

Under this bill, a person who is a victim of certain sexual assault crimes, including sexual assault against a child and human trafficking, may apply for an award for compensation from DOJ for the payment of mental health services for as long as the crime committed against him or her is prosecutable under the applicable statutes of limitation.

Under the bill, DOJ may close its accounts relating to any victim to whom DOJ has granted a compensation award if four years have passed since the time DOJ

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made a payment to or on behalf of the victim and DOJ determines, after consulting with the victim, that no further payments or services are warranted.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 949.06 (1) (am) of the statutes is created to read:

2 949.06 (1) (am) Mental health treatment.

3 **SECTION 2.** 949.08 (1) of the statutes is amended to read:

4 949.08 (1) No Except as provided in sub. (1m), no order for the payment of an
5 award may be made unless the application was made within 1 year after the date of
6 the personal injury or death, and the personal injury or death was the result of an
7 incident or offense which had been reported to the police within 5 days of its
8 occurrence or, if the incident or offense could not reasonably have been reported
9 within such period, within 5 days of the time when a report could reasonably have
10 been made. The department may waive the one-year requirement under this
11 subsection in the interest of justice.

12 **SECTION 3.** 949.08 (1m) of the statutes is created to read:

13 949.08 (1m) The department may grant an award for mental health treatment
14 related to a personal injury or death that results from the commission or the attempt
15 to commit any crime specified in s. 940.225, 940.302 (2), 948.02, 948.025, 948.05,
16 948.051, 948.06, 948.085, 948.09, or 948.095 if the department receives the
17 application for an award at any time during which the crime may be prosecuted
18 pursuant to s. 939.74.

19 **SECTION 4.** 949.175 of the statutes is created to read:

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1 **949.175 Closing accounts.** The department may close any account relating
2 to an award granted to or on behalf of a victim under this subchapter if all of the
3 following apply:

4 (1) Four years have passed from the date on which the department last made
5 a payment to or on behalf of the victim.

6 (2) The department has given written notice to the victim that it intends to
7 close the account and allows the victim an opportunity to object.

8 (3) The department determines that all appropriate payments have been
9 made. Whenever possible, the department shall confer with the victim before making
10 this determination.

11 **SECTION 5. Fiscal changes.**

12 (1) VICTIM SERVICES. In the schedule under section 20.005 (3) of the statutes for
13 the appropriation to the department of justice under section 20.455 (5) (b) of the
14 statutes, as affected by the acts of 2013, the dollar amount is increased by \$50,000
15 for the first fiscal year of the fiscal biennium in which this subsection takes effect to
16 provide compensation for mental health services to victims of sexual assault or
17 human trafficking. In the schedule under section 20.005 (3) of the statutes for the
18 appropriation to the department of justice under section 20.455 (5) (b) of the statutes,
19 as affected by the acts of 2013, the dollar amount is increased by \$50,000 for the
20 second fiscal year of the fiscal biennium in which this subsection takes effect to
21 provide compensation for mental health services to victims of sexual assault or
22 human trafficking.

23 **SECTION 6. Initial applicability.**

