

State of Wisconsin



2013 Senate Bill 160

Date of enactment: **April 16, 2014**
Date of publication*: **April 17, 2014**

2013 WISCONSIN ACT 323

AN ACT *to renumber* 49.165 (4) and 165.93 (4); *to amend* 7.08 (10), 950.01 and 968.075 (3) (a) (intro.); and *to create* 16.971 (10), 49.165 (4) (b), 165.93 (4) (b), 968.075 (3) (a) 4., 968.075 (3) (am) and 968.075 (9) (a) 1m. of the statutes; **relating to:** law enforcement reports and procedures following a domestic abuse incident, domestic abuse victim access to information regarding services providers, and access by the Department of Justice to the prosecutor technology for case tracking system maintained by the Department of Administration.

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

SECTION 1. 7.08 (10) of the statutes is amended to read:

7.08 (10) DOMESTIC ABUSE AND SEXUAL ASSAULT SERVICE PROVIDERS. Provide to each municipal clerk, on a continuous basis, the names and addresses of organizations that are certified under s. 49.165 (4) (a) or 165.93 (4) (a) to provide services to victims of domestic abuse or sexual assault.

SECTION 2. 16.971 (10) of the statutes is created to read:

16.971 (10) The department shall maintain, and provide the department of justice with general access to, a case management system that allows district attorneys to manage all case-related information and share the information among prosecutors.

SECTION 3. 49.165 (4) of the statutes is renumbered 49.165 (4) (a).

SECTION 4. 49.165 (4) (b) of the statutes is created to read:

49.165 (4) (b) The department shall make available to law enforcement agencies a current list containing the

name and address of each organization that is eligible to receive grants under sub. (2).

SECTION 5. 165.93 (4) of the statutes is renumbered 165.93 (4) (a).

SECTION 6. 165.93 (4) (b) of the statutes is created to read:

165.93 (4) (b) The department shall make available to law enforcement agencies a current list containing the name and address of each organization that is eligible to receive grants under sub. (2).

SECTION 7. 950.01 of the statutes is amended to read:

950.01 Legislative intent. In recognition of the civic and moral duty of victims and witnesses of crime to fully and voluntarily cooperate with law enforcement and prosecutorial agencies, and in further recognition of the continuing importance of such citizen cooperation to state and local law enforcement efforts and the general effectiveness and well-being of the criminal justice system of this state, the legislature declares its intent, in this chapter, to ensure that all victims and witnesses of crime are treated with dignity, respect, courtesy and sensitivity; and that the rights extended in this chapter to victims and witnesses of crime are honored and protected by law enforcement agencies, prosecutors and judges in a man-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

ner no less vigorous than the protections afforded criminal defendants. This chapter does not prohibit a public official, employee, or agency from sharing information with victim service organizations that are eligible to receive grants under s. 49.165 (2) or 165.93 (2). Nothing in this chapter shall be construed to impair the exercise of prosecutorial discretion.

SECTION 8. 968.075 (3) (a) (intro.) of the statutes is amended to read:

968.075 (3) (a) (intro.) Each law enforcement agency shall develop, adopt, and implement written policies regarding ~~arrest~~ procedures for domestic abuse incidents. The policies shall include, but not be limited to, the following:

SECTION 9. 968.075 (3) (a) 4. of the statutes is created to read:

968.075 (3) (a) 4. A procedure that requires a law enforcement officer, if the law enforcement officer has reasonable grounds to believe that a person is committing or has committed domestic abuse, to inform the victim of the availability of shelters and services in his or her com-

munity, including using lists available under ss. 49.165 (4) (b) and 165.93 (4) (b); to give notice of legal rights and remedies available to him or her; and to provide him or her with a statement that reads substantially as follows: "If you are the victim of domestic abuse, you may contact a domestic violence victim service provider to plan for your safety and take steps to protect yourself, including filing a petition under s. 813.12 of the Wisconsin statutes for a domestic abuse injunction or under s. 813.125 of the Wisconsin statutes for a harassment injunction."

SECTION 10. 968.075 (3) (am) of the statutes is created to read:

968.075 (3) (am) The policies under par. (a) may provide that the law enforcement agency will share information with organizations that are eligible to receive grants under s. 49.165 (2) or 165.93 (2).

SECTION 11. 968.075 (9) (a) 1m. of the statutes is created to read:

968.075 (9) (a) 1m. The number of responses law enforcement made that involved a domestic abuse incident that did not result in an arrest.