

2013 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB160)

Received: 1/24/2014 Received By: chanaman
Wanted: As time permits Same as LRB:
For: Jerry Petrowski (608) 266-2502 By/Representing: Lane Oling
May Contact: Drafter: chanaman
Subject: Criminal Law - district attys Addl. Drafters:
Criminal Law - domestic abuse Extra Copies:
Criminal Law - law enforcement

Submit via email: YES
Requester's email: Sen.Petrowski@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Eliminate reporting and training requirements; definition; reorganize as procedure

Instructions:

See attached

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>
/?	chanaman 1/24/2014	scalvin 1/24/2014		_____			
/1	chanaman 1/27/2014	scalvin 1/27/2014	jmurphy 1/27/2014	_____	rose 1/27/2014	rose 1/27/2014	
/2			rschluet 1/27/2014	_____	rose 1/27/2014	rose 1/27/2014	

FE Sent For:

<END>

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/?	chanaman 1/24/2014	scalvin 1/24/2014		_____			
/1			jmurphy 1/27/2014	_____	srose 1/27/2014	srose 1/27/2014	

FE Sent For:

1/2 SAC
01/27/2014

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/?	chanaman	/1 SAC 01/24/2014	/1 SAC 01/24/2014				

FE Sent For:

Jan 27
Jan 27

<END>

Hanaman, Cathlene

From: Ruhland, Lane
Sent: Friday, January 24, 2014 9:49 AM
To: Hanaman, Cathlene
Subject: LRBs0103/1

Cathlene,

Senator Petrowski would like a /2 of LRBs0103, the sub amendment to SB 160. We would like to do two things to the draft.

1. We want to add back in some language from the original bill.. We would like to include it in the mandatory arrest law section of the statutes (968.075); however, as opposed to the training and standards section (165.85). For example,

Section 968.075(3)(a)4. is created to read:

- 4. A procedure that directs 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 community, 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 ask the district attorney to file a criminal complaint. You may also 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.'
2. We would like to delete Section 5 of the sub amendment and only change the definition of domestic abuse under 968.075(9) to reflect that of 813.12(1) but only to apply it to subsection 9 of 968.075 if that is possible.

Please don't hesitate to contact me.

Lane Ruhland, J.D.
Office of Senator Jerry Petrowski
29th Senate District
(608) 266-2502

Hanaman, Cathlene

From: Ruhland, Lane
Sent: Friday, January 24, 2014 3:34 PM
To: Hanaman, Cathlene
Subject: RE: LRBs0103/1

Cathlene,

Yes, we do want a separate definition just for the report.

Thank you!
Lane

From: Hanaman, Cathlene
Sent: Friday, January 24, 2014 3:29 PM
To: Ruhland, Lane
Subject: RE: LRBs0103/1

Lane:

If 2., below, is done, you will have a different definition for s. 968.075 (9) than you have in s. 968.075 (1) to (8). That is possible and fine if you intend the annual reports to use a different definition than the arrest/policies statutes, but I am just making sure that is what you want. If I am misreading, please don't hesitate to correct me.

-Cathlene

From: Ruhland, Lane
Sent: Friday, January 24, 2014 9:49 AM
To: Hanaman, Cathlene
Subject: LRBs0103/1

Cathlene,

Senator Petrowski would like a /2 of LRBs0103, the sub amendment to SB 160. We would like to do two things to the draft.

1. We want to add back in some language from the original bill.. We would like to include it in the mandatory arrest law section of the statutes (968.075); however, as opposed to the training and standards section (165.85). For example,

Section 968.075(3)(a)4. is created to read:

- 4. A procedure that directs 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 community, 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 ask the district attorney to file a criminal complaint. You may also 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.'"
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Please don't hesitate to contact me.

Lane Ruhland, J.D.
Office of Senator Jerry Petrowski
29th Senate District
(608) 266-2502



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs0103/1g

CMH:sac:jth

stays

50248/1

SENATE SUBSTITUTE AMENDMENT,
TO SENATE BILL 160

Mon please

refer at

and procedures

1 AN ACT *to renumber* 49.165 (4) and 165.93 (4); *to amend* 7.08 (10) and 950.01;
2 and *to create* 16.971 (10), 49.165 (4) (b), 165.85 (2) (as), 165.93 (4) (b) and
3 968.075 (9) (a) 1m. of the statutes; **relating to:** law enforcement reports
4 following a domestic abuse incident, domestic abuse victim access to
5 information regarding services providers, and access by the Department of
6 Justice to the prosecutor technology for case tracking system maintained by the
7 Department of Administration.

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

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

9 7.08 (10) DOMESTIC ABUSE AND SEXUAL ASSAULT SERVICE PROVIDERS. Provide to
10 each municipal clerk, on a continuous basis, the names and addresses of
11 organizations that are certified under s. 49.165 (4) (a) or 165.93 (4) (a) to provide
12 services to victims of domestic abuse or sexual assault.

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

2 16.971 (10) The department shall maintain, and provide the department of
3 justice with general access to, a case management system that allows district
4 attorneys to manage all case-related information and share the information among
5 prosecutors.

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

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

8 49.165 (4) (b) The department shall make available to law enforcement
9 agencies a current list containing the name and address of each organization that is
10 eligible to receive grants under sub. (2).

11 SECTION 5. 165.85 (2) (as) of the statutes is created to read:

12 165.85 (2) (as) "Domestic abuse" has the meaning given in s. 813.12 (1).

13 SECTION 6. 165.93 (4) of the statutes is renumbered 165.93 (4) (a).

14 SECTION 7. 165.93 (4) (b) of the statutes is created to read:

15 165.93 (4) (b) The department shall make available to law enforcement
16 agencies a current list containing the name and address of each organization that is
17 eligible to receive grants under sub. (2).

18 SECTION 8. 950.01 of the statutes is amended to read:

19 **950.01 Legislative intent.** In recognition of the civic and moral duty of
20 victims and witnesses of crime to fully and voluntarily cooperate with law
21 enforcement and prosecutorial agencies, and in further recognition of the continuing
22 importance of such citizen cooperation to state and local law enforcement efforts and
23 the general effectiveness and well-being of the criminal justice system of this state,
24 the legislature declares its intent, in this chapter, to ensure that all victims and
25 witnesses of crime are treated with dignity, respect, courtesy and sensitivity; and

1 that the rights extended in this chapter to victims and witnesses of crime are honored
 2 and protected by law enforcement agencies, prosecutors and judges in a manner no
 3 less vigorous than the protections afforded criminal defendants. This chapter does
 4 not prohibit a public official, employee, or agency from sharing information with
 5 victim service organizations that are eligible to receive grants under s. 49.165 (2) or
 6 165.93 (2). Nothing in this chapter shall be construed to impair the exercise of
 7 prosecutorial discretion.

INS
3-8

8 SECTION 9. 968.075 (9) (a) ^{am} 1m. of the statutes is created to read:

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

INS
3-11

11

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0248/?ins
.....

1 Insert 3-8

x

2 **SECTION 1.** 968.075 (1) (a) (intro.) of the statutes is amended to read:

3 968.075 (1) (a) (intro.) ~~“Domestic~~ Except as provided in sub. (9), “domestic
4 abuse” means any of the following engaged in by an adult person against his or her
5 spouse or former spouse, against an adult with whom the person resides or formerly
6 resided or against an adult with whom the person has a child in common:

7 History: 1987 a. 346; 1989 a. 293; 1993 a. 319; 1995 a. 304; 2005 a. 104; 2011 a. 267; s. 13.92 (1) (bm) 2.

8 **SECTION 2.** 968.075 (3) (a) (intro.) of the statutes is amended to read:

9 968.075 (3) (a) (intro.) Each law enforcement agency shall develop, adopt, and
10 implement written policies regarding ~~arrest~~ procedures for domestic abuse
11 incidents. The policies shall include, but not be limited to, the following:

12 History: 1987 a. 346; 1989 a. 293; 1993 a. 319; 1995 a. 304; 2005 a. 104; 2011 a. 267; s. 13.92 (1) (bm) 2.

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

14 968.075 (3) (a) 4. A procedure that requires a law enforcement officer, *(INS GREEN)*

15 **SECTION 4.** 968.075 (9) (a) of the statutes is renumbered 968.075 (9) (am).

16 **SECTION 5.** 968.075 (9) (ag) of the statutes is created to read:

17 968.075 (9) (ag) In this subsection, “domestic abuse” has the meaning given in
18 s. 813.12 (1).

19 Insert 3-11

J

20 **SECTION 6.** 968.075 (9) (b) of the statutes is amended to read:

21 968.075 (9) (b) The listing of the number of arrests, prosecutions, and
22 convictions under par. (a) (am) shall include categories by statutory reference to the
 offense involved and include totals for all categories.

History: 1987 a. 346; 1989 a. 293; 1993 a. 319; 1995 a. 304; 2005 a. 104; 2011 a. 267; s. 13.92 (1) (bm) 2.

SENATE BILL 160

1 **SECTION 3.** 49.165 (4) (b) of the statutes is created to read:

2 49.165 (4) (b) The department shall make available to law enforcement
3 agencies a current list containing the name and address of each organization that is
4 eligible to receive grants under sub. (2).

5 **SECTION 4.** 165.85 (2) (as) of the statutes is created to read:

6 165.85 (2) (as) "Domestic abuse" has the meaning given in s. 968.075 (1) (a).

7 **SECTION 5.** 165.85 (4) (b) 1d. a. of the statutes is amended to read:

8 165.85 (4) (b) 1d. a. ~~An adequate amount of training to enable the person being~~
9 ~~trained to deal effectively with~~ Training on the handling of domestic abuse incidents
10 and complaints, including training that ~~addresses the emotional and psychological~~
11 ~~effect that domestic abuse has on victims~~ that is consistent with the standards
12 established under par. (cp).

13 **SECTION 6.** 165.85 (4) (cp) of the statutes is created to read:

14 165.85 (4) (cp) The board shall establish standards for the training of law
15 enforcement officers in effectively handling domestic abuse incidents. The board
16 shall ensure that the training includes all of the following:

17 1. The law enforcement officer's duty to protect the victim; to enforce all
18 criminal laws with regard to a domestic abuse incident; and to adhere to all of the
19 requirements under s. 968.075.

20 2. The emotional and psychological effects that domestic abuse has on its
21 victims.

22 3. The law enforcement officer's duty to prepare a complete offense report as
23 required under s. 968.075 (4) (a).

24 4. The law enforcement officer's duty, if the law enforcement officer has
25 reasonable grounds to believe that a person is committing or has committed domestic

*MS
GREEN*

SENATE BILL 160

1 abuse, to inform the victim of the availability of shelters and services in his or her
 2 community, including using lists available under ss. 49.165 (4) (b) and 165.93 (4) (b);
 3 ^{to} give notice of legal rights and remedies available to him or her; ^{to} explain the procedure
 4 for filing a petition for an injunction under s. 813.12 or 813.125; and ^{to} provide him or ^{to}
 5 her with a statement that reads substantially as follows, "If you are the victim of
 6 domestic abuse, you may ask the district attorney to file a criminal complaint. You
 7 ^{INS AA-1/4-7} may also ^{to} file a petition under s. 813.12 of the Wisconsin statutes for a domestic abuse
 8 injunction or under s. 813.125 of the Wisconsin statutes for a harassment
 9 injunction."

10 5. The law enforcement officer's option to arrange transportation for a victim,
 11 at the request of the victim to the hospital for treatment of injuries or to a place of
 12 safety or a shelter.

13 SECTION 7. 165.93 (4) of the statutes is renumbered 165.93 (4) (a).

14 SECTION 8. 165.93 (4) (b) of the statutes is created to read:

15 165.93 (4) (b) The department shall make available to law enforcement
 16 agencies a current list containing the name and address of each organization that is
 17 eligible to receive grants under sub. (2).

18 SECTION 9. 950.01 of the statutes is amended to read:

19 **950.01 Legislative intent.** In recognition of the civic and moral duty of
 20 victims and witnesses of crime to fully and voluntarily cooperate with law
 21 enforcement and prosecutorial agencies, and in further recognition of the continuing
 22 importance of such citizen cooperation to state and local law enforcement efforts and
 23 the general effectiveness and well-being of the criminal justice system of this state,
 24 the legislature declares its intent, in this chapter, to ensure that all victims and
 25 witnesses of crime are treated with dignity, respect, courtesy and sensitivity; and



**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 175**

May 28, 2013 – Offered by Representative JACQUE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 3: delete the material beginning with “explain the” and ending
3 with “813.125;” on line 4.

4 **2.** Page 4, line 7: delete “file” and substitute “contact a domestic violence victim
5 service provider to plan for your safety and take steps to protect yourself, including
6 filing”.

7 **3.** Page 5, line 15: after “stating” insert “, except if the arrest was not made
8 because of the presumption under sub. (2) (am).”.

9 **4.** Page 6, line 6: after “factors” insert “and shall document that the officer
10 investigated the factors specified in sub. (2) (ar) 1. to 6”.

11 (END)

INS
AA1/4-7
to insert
GREEN



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs0248/12
CMH:sac:jm

today please

**SENATE SUBSTITUTE AMENDMENT ,
TO SENATE BILL 160**

referred

1 **AN ACT** *to renumber* 49.165 (4), 165.93 (4) and 968.075 (9) (a); *to amend* 7.08
2 (10), 950.01, 968.075 (1) (a) (intro.), 968.075 (3) (a) (intro.) and 968.075 (9) (b);
3 and *to create* 16.971 (10), 49.165 (4) (b), 165.93 (4) (b), 968.075 (3) (a) 4.,
4 968.075 (9) (ag) and 968.075 (9) (am) 1m. of the statutes; **relating to:** law
5 enforcement reports and procedures following a domestic abuse incident,
6 domestic abuse victim access to information regarding services providers, and
7 access by the Department of Justice to the prosecutor technology for case
8 tracking system maintained by the Department of Administration.

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

9 **SECTION 1.** 7.08 (10) of the statutes is amended to read:
10 **7.08 (10) DOMESTIC ABUSE AND SEXUAL ASSAULT SERVICE PROVIDERS.** Provide to
11 each municipal clerk, on a continuous basis, the names and addresses of

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7 prosecutors.

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

10 49.165 (4) (b) The department shall make available to law enforcement
11 agencies a current list containing the name and address of each organization that is
12 eligible to receive grants under sub. (2).

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21 enforcement and prosecutorial agencies, and in further recognition of the continuing
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23 the general effectiveness and well-being of the criminal justice system of this state,
24 the legislature declares its intent, in this chapter, to ensure that all victims and
25 witnesses of crime are treated with dignity, respect, courtesy and sensitivity; and

1 that the rights extended in this chapter to victims and witnesses of crime are honored
2 and protected by law enforcement agencies, prosecutors and judges in a manner no
3 less vigorous than the protections afforded criminal defendants. This chapter does
4 not prohibit a public official, employee, or agency from sharing information with
5 victim service organizations that are eligible to receive grants under s. 49.165 (2) or
6 165.93 (2). Nothing in this chapter shall be construed to impair the exercise of
7 prosecutorial discretion.

8 **SECTION 8.** 968.075 (1) (a) (intro.) of the statutes is amended to read:

9 968.075 (1) (a) (intro.) “Domestic Except as provided in sub. (9), “domestic
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14 968.075 (3) (a) (intro.) Each law enforcement agency shall develop, adopt, and
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18 968.075 (3) (a) 4. A procedure that requires a law enforcement officer, if the law
19 enforcement officer has reasonable grounds to believe that a person is committing
20 or has committed domestic abuse, to inform the victim of the availability of shelters
21 and services in his or her community, including using lists available under ss. 49.165
22 (4) (b) and 165.93 (4) (b); to give notice of legal rights and remedies available to him
23 or her; and to provide him or her with a statement that reads substantially as follows:

24 “If you are the victim of domestic abuse, you may ask the district attorney to file a
25 criminal complaint. You may also contact a domestic violence victim service provider

1 to plan for your safety and take steps to protect yourself, including filing a petition
2 under s. 813.12 of the Wisconsin statutes for a domestic abuse injunction or under
3 s. 813.125 of the Wisconsin statutes for a harassment injunction.”

4 **SECTION 11.** 968.075 (9) (a) of the statutes is renumbered 968.075 (9) (am).

5 **SECTION 12.** 968.075 (9) (ag) of the statutes is created to read:

6 968.075 (9) (ag) In this subsection, “domestic abuse” has the meaning given in
7 s. 813.12 (1).

8 **SECTION 13.** 968.075 (9) (am) 1m. of the statutes is created to read:

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

11 **SECTION 14.** 968.075 (9) (b) of the statutes is amended to read:

12 968.075 (9) (b) The listing of the number of arrests, prosecutions, and
13 convictions under par. (a) (am) shall include categories by statutory reference to the
14 offense involved and include totals for all categories.

15 (END)

INS 4-4

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0248/2ins
CMH:.....

1 Insert 4-4

2 **SECTION 1.** 968.075 (3) (am) of the statutes is created to read:

3 968.075 (3) (am) The policies under par. (a) may provide that the law
4 enforcement agency will share information with organizations that are eligible to

5 receive grants under s. 49.165 (2) or 165.93 (2).[^]