

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB612)

Received: 2/10/2014 Received By: phurley
Wanted: As time permits Same as LRB:
For: Evan Goyke (608) 266-0645 By/Representing:
May Contact: Drafter: phurley
Subject: Criminal Law - victims Addl. Drafters:
Extra Copies:

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

Pre Topic:

No specific pre topic given

Topic:

Access to presentence investigation reports

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>
/1	phurley 2/10/2014	jdyer 2/10/2014	rschluet 2/10/2014	_____	lparisi 2/10/2014	lparisi 2/10/2014	

FE Sent For:

<END>

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/1	phurley	1/2/10 jld	jd				

FE Sent For:

<END>

Hurley, Peggy

From: Knocke, Ryan
Sent: Monday, February 10, 2014 10:04 AM
To: Hurley, Peggy
Subject: Rep. Goyke Amendment - AB 612

Peggy-

Thank you so very much for working on our amendments to AB 625. I greatly appreciate it!

Rep. Goyke has an amendment request for AB 612 that he wanted to get drafted for our Exec scheduled for tomorrow. The amendment would delete the language "including any recommendations under sub. (2b) or (2c), and any portion of the pre-sentence investigation report that contains information pertaining to the victim.

Could this be forwarded for draft? Thank you!

- Ryan

Ryan Knocke
Legislative Aide
Office of State Representative Evan Goyke
Telephone: (608) 266-0645



2013 ASSEMBLY BILL 612

January 9, 2014 - Introduced by Representatives STRACHOTA, PRIDEMORE and CZAJA, cosponsored by Senator GROTHMAN. Referred to Committee on Judiciary.

1 **AN ACT to amend** 972.15 (4); and **to create** 950.04 (1v) (pd) and 972.15 (4r) of
2 the statutes; **relating to:** allowing a victim of a crime to view portions of a
3 presentence investigation report.

Analysis by the Legislative Reference Bureau

Under current law, if a person is convicted of a crime, the court may order a presentence investigation report be prepared. Generally, the presentence investigation report is confidential. However, under current law, the district attorney and the defendant's attorney are entitled to have and keep a copy of the presentence investigation report. If the defendant is not represented by counsel, the defendant is entitled to view the presentence investigation report but may not keep a copy of the report. A district attorney or defendant's attorney who receives a copy of the report shall keep it confidential. A defendant who views the contents of a presentence investigation report shall keep the information in the report confidential.

Also under current law, a victim of a crime has certain rights, including the right to have the person preparing a presentence investigation report make a reasonable attempt to contact the victim in order to determine the economic, physical, and psychological effect of the crime on the victim. The victim does not have the right to view the presentence investigation report.

Under this bill, a victim of a crime has a right to view the sentencing recommendations contained in the presentence investigation report and the portions of the report that contain information pertaining to the victim himself or herself.

ASSEMBLY BILL 612

Under the bill, a victim who views any contents of a presentence investigation report may not keep a copy of any portion of the report and must keep the information he or she views confidential.

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

1 **SECTION 1.** 950.04 (1v) (pd) of the statutes is created to read:

2 950.04 (1v) (pd) Subject to the limits set forth in s. 972.15 (4r), to view portions
3 of a presentence investigation report prepared under s. 972.15 that relate to the
4 crime upon the victim.

5 **SECTION 2.** 972.15 (4) of the statutes is amended to read:

6 972.15 (4) Except as provided in sub. (4m), (4r), (5), or (6), after sentencing the
7 presentence investigation report shall be confidential and shall not be made
8 available to any person except upon specific authorization of the court.

9 **SECTION 3.** 972.15 (4r) of the statutes is created to read:

10 972.15 (4r) The victim of the crime is entitled to view all sentencing
11 recommendations included in the presentence investigation report, including any
12 recommendations under sub. (2b) or (2c), and any portion of the presentence
13 investigation report that contains information pertaining to the victim that was
14 obtained pursuant to sub. (2m). A victim who views any contents of a presentence
15 investigation report may not keep a copy of any portion of the report and shall keep
16 the information he or she views confidential.

17

(END)

Hurley, Peggy

From: Knocke, Ryan
Sent: Monday, February 10, 2014 10:26 AM
To: Hurley, Peggy
Subject: RE: Rep. Goyke Amendment - AB 612

Peggy-

I just ran this by Evan and that is correct!

- Ryan

From: Hurley, Peggy
Sent: Monday, February 10, 2014 10:23 AM
To: Knocke, Ryan
Subject: RE: Rep. Goyke Amendment - AB 612

Hi Ryan,

Before I submit this to editing, I just wanted to clarify your intent. This amendment would allow the victim to see all of the sentencing recommendations contained in the report, but would not allow the victim to see the portions of the report that contain information pertaining to the victim. Is that your intent?

Peggy

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- Ryan

Ryan Knocke
Legislative Aide
Office of State Representative Evan Goyke
Telephone: (608) 266-0645



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1691/1

PJH:.....

JL

ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 612

today

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

2 1. Page 2, line 11: delete the material beginning with “, including” and ending
3 with “sub. (2m)” on page 2, line 14. ✓

4

(END)