

1 **SECTION 871.** 973.09 (3) (bg) 2. and 4. of the statutes are amended to read:

2 973.09 (3) (bg) 2. If the court does not extend probation, the court shall issue
3 a judgment for the unpaid surcharge and direct the clerk of ~~circuit court~~ to file and
4 enter the judgment in the judgment and lien docket. The judgment has the same
5 force and effect as judgments entered under s. 806.10.

6 4. If the court does not extend or modify the terms of probation under subd. 3.,
7 the court shall issue a judgment for the unpaid surcharge and direct the clerk of
8 ~~circuit court~~ to file and enter the judgment in the judgment and lien docket without
9 fee. If the court issues a judgment for the unpaid surcharge, the court shall send to
10 the department a written notification that a civil judgment has been issued for the
11 unpaid fees. The judgment has the same force and effect as judgments entered under
12 s. 806.10.

13 **SECTION 872.** 973.09 (3) (bm) 4. of the statutes is amended to read:

14 973.09 (3) (bm) 4. If the court does not extend or modify the terms of probation
15 under subd. 3., it shall issue a judgment for the unpaid fees and direct the clerk of
16 ~~circuit court~~ to file and enter the judgment in the judgment and lien docket, without
17 fee. If the court issues a judgment for the unpaid fees, the court shall send to the
18 department a written notification that a civil judgment has been issued for the
19 unpaid fees. The judgment has the same force and effect as judgments entered under
20 s. 806.10.

21 **SECTION 873.** 973.09 (7m) (a) of the statutes is amended to read:

22 973.09 (7m) (a) Except as provided in s. 943.017 (3), the court may require as
23 a condition of probation that the probationer perform community service work for a
24 public agency or a nonprofit charitable organization. The number of hours of work
25 required may not exceed what would be reasonable considering the seriousness of the

1 offense and any other offense which is read into the record at the time of conviction
2 read-in crimes. An order may only apply if agreed to by the probationer and the
3 organization or agency. The court shall ensure that the probationer is provided a
4 written statement of the terms of the community service order and that the
5 community service order is monitored. If the court requires the conditions provided
6 in this subsection and sub. (4), the probationer reduces the period of confinement
7 under sub. (4) at a rate of one day for each 3 days of work performed. A day of work
8 equals 8 hours of work performed.

9 **SECTION 874.** 973.10 (2m) of the statutes is amended to read:

10 973.10 (2m) In any administrative hearing under sub. (2), the hearing
11 examiner may order that a deposition be taken by audiovisual means and allow the
12 use of a recorded deposition under s. 967.04 (7) to (10) 967.22.

13 **SECTION 875.** 973.135 (3) of the statutes is amended to read:

14 973.135 (3) If a conviction under sub. (2) is reversed, set aside or vacated, the
15 clerk of the court shall promptly forward to the state superintendent a certificate
16 stating that the conviction has been reversed, set aside or vacated.

17 **SECTION 876.** 973.18 (title) of the statutes is renumbered 973.25 (title).

18 **SECTION 877.** 973.18 (1) of the statutes is renumbered 973.25 (1) and amended
19 to read:

20 973.25 (1) In this section, “postconviction relief” and “sentencing” have the
21 meanings ascribed in s. 809.30 (1) means an appeal or a motion for postconviction
22 relief in a criminal case, other than an appeal, motion, or petition under s. 302.113
23 (7m), 973.195, 974.03, 974.06, or 974.07 (2).

24 **SECTION 878.** 973.18 (2), (3) and (4) of the statutes are renumbered 973.25 (2),
25 (3) and (4) and amended to read:

1 973.25 (2) ~~The trial judge~~ At the time of sentencing, the court shall personally
2 inform the defendant ~~at the time of sentencing, orally or in writing,~~ of the defendant's
3 right to seek pursue postconviction relief and, if the defendant is indigent, of the
4 defendant's right to the assistance of the state public defender.

5 (3) Before ~~adjourning~~ concluding the sentencing proceeding, the judge court
6 shall direct the defendant and defendant's trial counsel to sign a form to be entered
7 in the record, indicating that the ~~lawyer~~ trial counsel has counseled the defendant
8 regarding the decision to seek pursue postconviction relief, and that the defendant
9 understands that a notice of intent to pursue postconviction relief must be filed in
10 the trial court within 20 days after sentencing for ~~that~~ the right to pursue
11 postconviction relief to be preserved. The court shall give the defendant a copy of the
12 form.

13 (4) ~~The judge shall direct~~ court shall make appropriate orders to allow the
14 ~~defendant's counsel~~ defendant to confer with ~~the defendant~~ before signing the form,
15 ~~during the proceeding or as soon thereafter as practicable, and may make~~
16 ~~appropriate orders to allow the defendant to confer with counsel before being~~
17 transferred to the state prison. ~~The defendant shall be given a copy of the form.~~

18 **SECTION 879.** 973.18 (5) of the statutes is renumbered 973.25 (5).

19 **SECTION 880.** 973.19 (title) of the statutes is renumbered 974.03 (title).

20 **SECTION 881.** 973.19 (1) (a) of the statutes is renumbered 974.03 (1) (a) and
21 amended to read:

22 974.03 (1) (a) A person defendant sentenced to imprisonment or the intensive
23 sanctions program or ordered to pay a fine who has not requested the preparation
24 of transcripts under s. 809.30 (2) may, within 90 days after the sentence or order or

1 fine is entered imposed, move the circuit court to modify the sentence or the amount
2 of the fine.

3 SECTION 882. 973.19 (1) (b) of the statutes is renumbered 974.03 (2) and
4 amended to read:

5 974.03 (2) A ~~person~~ defendant who has requested transcripts under s. 809.30
6 (2) may move for modification of a sentence or fine under s. 809.30 (2) (h).

7 SECTION 883. 973.19 (2), (3), (4) and (5) of the statutes are renumbered 974.03
8 (1) (b), (c), (d) and (e) and amended to read:

9 974.03 (1) (b) Within 90 days after a motion under ~~sub. (1) par. (a)~~ par. (a) is filed, the
10 circuit court shall enter an order either determining the motion or, for cause,
11 extending the time for doing so by not more than 90 days ~~for cause~~.

12 (c) If an order determining a motion under ~~sub. (1) par. (a)~~ par. (a) is not entered timely
13 under ~~sub. (2) par. (b)~~, the motion shall be considered denied and the clerk ~~of the court~~
14 shall immediately enter an order denying the motion.

15 (d) ~~An~~ The rules governing civil appeals govern an appeal from an order
16 determining a motion under ~~sub. (1) par. (a)~~ par. (a) is ~~governed by the procedure for civil~~
17 ~~appeals~~.

18 (e) By filing a motion under ~~sub. (1) par. (a)~~ par. (a) the defendant waives his or her
19 right to file an appeal or postconviction motion under s. 809.30 (2).

20 SECTION 884. 973.20 (1g) of the statutes is repealed.

21 SECTION 885. 973.20 (1r) of the statutes is amended to read:

22 973.20 (1r) When imposing sentence or ordering probation for any crime, other
23 than a crime involving conduct that constitutes domestic abuse under s. 813.12 (1)
24 (am) or ~~968.075~~ 969.27 (1) (a), for which the defendant was convicted, the court, in
25 addition to any other penalty authorized by law, shall order the defendant to make

1 full or partial restitution under this section to any victim of a crime considered at
2 sentencing or, if the victim is deceased, to his or her estate, unless the court finds
3 substantial reason not to do so and states the reason on the record. When imposing
4 sentence or ordering probation for a crime involving conduct that constitutes
5 domestic abuse under s. 813.12 (1) (am) or ~~968.075~~ 969.27 (1) (a) for which the
6 defendant was convicted or that was considered at sentencing, the court, in addition
7 to any other penalty authorized by law, shall order the defendant to make full or
8 partial restitution under this section to any victim of a crime or, if the victim is
9 deceased, to his or her estate, unless the court finds that imposing full or partial
10 restitution will create an undue hardship on the defendant or victim and describes
11 the undue hardship on the record. Restitution ordered under this section is a
12 condition of probation, extended supervision, or parole served by the defendant for
13 a crime for which the defendant was convicted. After the termination of probation,
14 extended supervision, or parole, or if the defendant is not placed on probation,
15 extended supervision, or parole, restitution ordered under this section is enforceable
16 in the same manner as a judgment in a civil action by the victim named in the order
17 to receive restitution or enforced under ch. 785.

18 **SECTION 886.** 973.20 (9m) of the statutes is amended to read:

19 973.20 (9m) When restitution is ordered, the court shall inquire to see if
20 recompense has been made under s. ~~969.13~~ 969.42 (5) (a). If recompense has been
21 made and the restitution ordered is less than or equal to the recompense, the
22 restitution shall be applied to the payment of costs and, if any restitution remains
23 after the payment of costs, to the payment of the judgment. If recompense has been
24 made and the restitution ordered is greater than the recompense, the victim shall
25 receive an amount equal to the amount of restitution less the amount of recompense

1 and the balance shall be applied to the payment of costs and, if any restitution
2 remains after the payment of costs, to the payment of the judgment. This subsection
3 applies without regard to whether the person who paid the recompense is the person
4 who is convicted of the crime.

5 **SECTION 887.** 973.20 (11) (a) of the statutes is amended to read:

6 973.20 (11) (a) Except as otherwise provided in this paragraph, the restitution
7 order shall require the defendant to deliver the amount of money or property due as
8 restitution to the department for transfer to the victim or other person to be
9 compensated by a restitution order under this section. If the defendant is not placed
10 on probation or sentenced to prison, the court may order that restitution be paid to
11 the clerk of court for transfer to the appropriate person. The court shall impose on
12 the defendant a restitution surcharge under ch. 814 equal to 5% of the total amount
13 of any restitution, costs, attorney fees, court fees, fines, and surcharges ordered
14 under s. 973.05 (1) and imposed under ch. 814, which shall be paid to the department
15 or the clerk of court for administrative expenses under this section.

16 **SECTION 888.** 973.20 (12) (c) of the statutes is amended to read:

17 973.20 (12) (c) If a defendant is subject to more than one order under this
18 section and the financial obligations under any order total \$50 or less, the
19 department or the clerk of court, whichever is applicable under sub. (11) (a), may pay
20 these obligations first.

21 **SECTION 889.** 974.02 of the statutes is amended to read:

22 **974.02 Appeals and postconviction relief in criminal cases Direct**
23 **appeals.** (1) ~~A motion for postconviction relief other than under s. 974.06 or 974.07~~
24 ~~(2) by the defendant in a criminal case shall be made in the time and manner~~
25 ~~provided in s. 809.30. An appeal by the The defendant in a criminal case may appeal~~

1 from a judgment of conviction or from an order denying a postconviction motion or
2 from both. A direct appeal from a judgment of conviction shall be taken in the time
3 and manner provided in ss. 808.04 (3) and 809.30 to 809.32. An appeal of an order
4 or judgment on habeas corpus remanding to custody a prisoner committed for trial
5 under s. ~~970.03~~ 971.042 shall be taken under ss. 808.03 (2) and 809.50, with notice
6 to the attorney general and the district attorney and opportunity for them to be
7 heard.

8 (2) An appellant is not required to file a postconviction motion in the ~~trial~~
9 circuit court prior to an appeal if the grounds are sufficiency of the evidence or issues
10 previously raised.

11 **SECTION 890.** 974.05 (1) (intro.) of the statutes is amended to read:

12 974.05 (1) (intro.) Within the time period specified by s. 808.04 (4) and in the
13 manner provided for civil appeals under chs. 808 and 809, ~~an appeal may be taken~~
14 ~~by the state from~~ may appeal any of the following:

15 **SECTION 891.** 974.05 (1) (a), (b), (c) and (d) (intro.), 1. and 2. of the statutes are
16 amended to read:

17 974.05 (1) (a) ~~Final~~ A final order or judgment adverse to the state, whether
18 following a trial or a plea of guilty or no contest, if the appeal would not be prohibited
19 by constitutional protections against double jeopardy.

20 (b) ~~Order~~ An order granting postconviction relief under s. 974.02, 974.03,
21 974.06, or 974.07.

22 (c) ~~Judgment~~ A judgment and sentence or order of probation not authorized by
23 law.

24 (d) (intro.) ~~Order~~ An order or judgment the substantive effect of which results
25 in any of the following:

1 1. Quashing an arrest warrant;

2 2. Suppressing evidence; or.

3 **SECTION 892.** 974.05 (2) of the statutes is amended to read:

4 974.05 (2) If the defendant appeals or prosecutes a writ of error, the state may
5 ~~move to review rulings of which it complains~~ cross-appeal any order, judgment, or
6 sentence described in sub. (1) (a) to (d), as provided by in s. 809.10 (2) (b).

7 **SECTION 893.** 974.05 (3) of the statutes is repealed.

8 **SECTION 894.** 974.06 (title), (1), (2) and (3) (intro.), (a), (b) and (d) of the statutes
9 are amended to read:

10 **974.06 (title) Postconviction Collateral postconviction procedure. (1)**
11 ~~After~~ At any time after the time for direct appeal ~~or postconviction remedy~~ provided
12 in s. 974.02 has expired, a prisoner who is in custody under sentence of a court ~~or a~~
13 ~~person convicted and placed with a volunteers in probation program under s. 973.11~~
14 claiming and who claims the right to be released upon the ground that the sentence
15 was imposed in violation of the U.S. constitution or the constitution or laws of this
16 state, that the court ~~was without~~ lacked jurisdiction to impose ~~such~~ the sentence, or
17 that the sentence ~~was in excess of~~ exceeded the maximum authorized by law or is
18 otherwise subject to collateral ~~attaek~~ review, may move the court which imposed the
19 sentence to vacate, set aside, or correct the sentence.

20 (2) ~~A copy of the motion for such relief is a part of the original criminal action,~~
21 ~~is not a separate proceeding and may be made at any time~~ under sub. (1) must be
22 served on the district attorney.

23 (2m) A motion under sub. (1) is part of the original criminal action, is not a
24 separate proceeding, and may be made at any time. The supreme court may
25 prescribe the form of the motion.

1 (3) (intro.) Unless the motion under sub. (1) and the files and records of the
2 action conclusively show that the ~~person~~ prisoner is entitled to no relief, the court
3 shall do all of the following:

4 (a) ~~Cause a copy of the notice to be served upon~~ Order the district attorney who
5 shall to file a written response within the time prescribed by the court.

6 (b) If it appears that counsel is necessary and if the ~~defendant~~ prisoner claims
7 or appears to be indigent, refer the ~~person~~ prisoner to the appellate division of the
8 state public defender for an indigency determination and appointment of counsel
9 under ch. 977. The court shall forward a copy of the motion and any response of the
10 district attorney to the state public defender.

11 (d) Determine the issues and make findings of fact and conclusions of law. If
12 the court finds that it rendered the judgment ~~was rendered~~ without jurisdiction, or
13 that the sentence imposed was not authorized by law or is otherwise open to
14 collateral ~~attaek~~ review, or that there has been such a denial or infringement of the
15 constitutional rights of the ~~person~~ prisoner as to render the judgment vulnerable to
16 collateral ~~attaek~~ review, the court shall vacate and set aside the judgment ~~aside~~ and
17 shall discharge the ~~person~~ prisoner or resentence ~~him or her or the prisoner~~, grant
18 the prisoner a new trial, or correct the sentence as may appear appropriate.

19 **SECTION 895.** 974.06 (4) of the statutes is amended to read:

20 974.06 (4) All grounds for relief available to a ~~person~~ prisoner under this
21 section must be raised in his or her original, supplemental, or amended motion. Any
22 ground finally adjudicated or not so raised, or knowingly, voluntarily, and
23 intelligently waived in the proceeding that resulted in the conviction or sentence or
24 in any other proceeding the ~~person~~ prisoner has taken to secure relief may not be the
25 basis for a subsequent motion, unless the court finds a ground for relief asserted

1 ~~which that,~~ for sufficient reason, was not asserted or was inadequately raised in the
2 original, supplemental, or amended motion.

3 **SECTION 896.** 974.06 (5), (6), (7) and (8) of the statutes are amended to read:

4 974.06 (5) ~~A Subject to s. 974.08, a court may entertain and determine such~~
5 ~~a motion under sub. (1) without requiring the production of the prisoner at the~~
6 ~~hearing. The court may hear the motion may be heard by telephone or live~~
7 ~~audiovisual means under s. 807.13.~~

8 (6) Proceedings under this section shall be considered civil in nature, and the
9 burden of proof shall be upon the ~~person~~ prisoner.

10 (7) ~~An A prisoner may appeal may be taken from the an~~ order entered on the
11 motion under sub. (1) as from if the order were a final judgment.

12 (8) ~~A court may not entertain a petition for a writ of habeas corpus or an action~~
13 ~~seeking that remedy in on behalf of a person~~ prisoner who is authorized to apply for
14 relief by motion under ~~this section shall not be entertained sub. (1) if it appears that~~
15 ~~the applicant prisoner has failed to apply for relief, by file a motion, to under sub. (1)~~
16 with the court which sentenced the person prisoner, or that the court has denied the
17 person relief motion, unless it also appears that the remedy by motion is inadequate
18 or ineffective to test the legality of his or her the prisoner's detention.

19 **SECTION 897.** 974.07 (4) (b) of the statutes is amended to read:

20 974.07 (4) (b) Notwithstanding the limitation on the disclosure of mailing
21 addresses from completed information cards submitted by victims under ss. 51.37
22 (10) (dx), 301.046 (4) (d), 301.048 (4m) (d), 301.38 (4), 302.105 (4), 304.06 (1) (f),
23 304.063 (4), 938.51 (2), ~~971.17~~ 971.85 (6m) (d), and 980.11 (4), the department of
24 corrections, the parole commission, and the department of health services shall,
25 upon request, assist clerks of court in obtaining information regarding the mailing

1 address of victims for the purpose of sending copies of motions and notices of hearings
2 under par. (a).

3 **SECTION 898.** 974.07 (7) (b) 1. of the statutes is amended to read:

4 974.07 (7) (b) 1. It is reasonably probable that the outcome of the proceedings
5 that resulted in the conviction, the finding of not guilty by reason of mental disease
6 or defect, or the delinquency adjudication for the offense at issue in the motion under
7 sub. (2), or the terms of the sentence, the commitment under s. ~~971.17~~ 971.85, or the
8 disposition under ch. 938, would have been more favorable to the movant if the
9 results of deoxyribonucleic acid testing had been available before he or she was
10 prosecuted, convicted, found not guilty by reason of mental disease or defect, or
11 adjudicated delinquent for the offense.

12 **SECTION 899.** 974.07 (9) (a) of the statutes is amended to read:

13 974.07 (9) (a) If a person other than the movant is in custody, as defined in s.
14 ~~968.205~~ 968.645 (1) (a), the evidence is relevant to the criminal, delinquency, or
15 commitment proceeding that resulted in the person being in custody, the person has
16 not been denied deoxyribonucleic acid testing or postconviction relief under this
17 section, and the person has not waived his or her right to preserve the evidence under
18 s. 165.81 (3), 757.54 (2), ~~968.205~~ 968.645, or 978.08, the court shall order the evidence
19 preserved until all persons entitled to have the evidence preserved are released from
20 custody, and the court shall designate who shall preserve the evidence.

21 **SECTION 900.** 974.07 (10) (a) 4. of the statutes is amended to read:

22 974.07 (10) (a) 4. An order discharging the movant from custody, as defined in
23 s. ~~968.205~~ 968.645 (1) (a), if the movant is in custody.

24 **SECTION 901.** 974.08 (title) of the statutes is created to read:

25 **974.08 (title) Defendant's presence at postconviction proceedings.**

1 **SECTION 902.** 974.08 (1) of the statutes is created to read:

2 974.08 (1) A defendant has the right to be present at a postconviction
3 proceeding when the hearing will address substantial issues of fact as to events in
4 which the defendant participated and those issues are supported by more than mere
5 allegations.

6 **SECTION 903.** 974.08 (2) and (3) of the statutes are created to read:

7 974.08 (2) A defendant need not be present at the pronouncement or entry of
8 an order granting or denying relief under s. 974.02, 974.03, 974.06, or 974.07. If the
9 defendant is not present, the time for appealing the order shall commence after a
10 copy has been served upon the defendant's counsel or, if he or she appeared without
11 counsel, upon the defendant, except as provided in sub. (3). Service of such an order
12 shall be complete upon mailing.

13 **(3)** A defendant appearing without counsel shall supply the court with his or
14 her current mailing address. If the defendant fails to supply the court with a current
15 and accurate mailing address, the defendant's failure to receive a copy of the order
16 granting or denying relief shall not be a ground for tolling the time in which an appeal
17 must be taken.

18 **SECTION 904.** 974.09 (title) of the statutes is created to read:

19 **974.09 (title) Release pending appeal.**

20 **SECTION 905.** 977.02 (2m) of the statutes is amended to read:

21 977.02 **(2m)** Promulgate rules regarding eligibility for legal services under this
22 chapter, including legal services for persons who are entitled to be represented by
23 counsel without a determination of indigency, as provided in s. ~~48.23 (4)~~, 51.60, or
24 55.105, or and for children who are entitled to be represented by counsel without a
25 determination of indigency, as provided in s. 48.23 (4) or 938.23 (4).

1 **SECTION 906.** 977.02 (3) (intro.) of the statutes is amended to read:

2 977.02 (3) (intro.) Promulgate rules regarding the determination of indigency
3 of persons entitled to be represented by counsel, other than persons who are entitled
4 to be represented by counsel under s. ~~48.23~~, 51.60, or 55.105, or children who are
5 entitled to be represented by counsel without a determination of indigency under s.
6 48.23 or 938.23, including the time period in which the determination must be made
7 and the criteria to be used to determine indigency and partial indigency. The rules
8 shall specify that, in determining indigency, the representative of the state public
9 defender shall do all of the following:

10 **SECTION 907.** 977.02 (4r) of the statutes is amended to read:

11 977.02 (4r) Promulgate rules that establish procedures to provide the
12 department of administration with any information concerning the collection of
13 payment ordered under s. 48.275 (2), 757.66, 938.275 (2), 973.06 (1) (e), or 977.076
14 (1).

15 **SECTION 908.** 977.03 (2m) of the statutes is amended to read:

16 977.03 (2m) The board may promulgate rules that establish procedures to
17 collect payment ordered under s. 48.275 (2), 757.66, 938.275 (2), 973.06 (1) (e), or
18 977.076 (1) from a prisoner's prison financial account.

19 **SECTION 909.** 977.05 (4) (gm) of the statutes is amended to read:

20 977.05 (4) (gm) In accordance with the standards under pars. (h) and (i), accept
21 referrals from judges and courts for the provision of legal services without a
22 determination of indigency of persons who are entitled to be represented by counsel
23 under s. ~~48.23~~, 51.60, or 55.105, or children who are entitled to be represented by
24 counsel under s. 48.23 or 938.23, appoint counsel in accordance with contracts and

1 policies of the board, and inform the referring judge or court of the name and address
2 of the specific attorney who has been assigned to the case.

3 **SECTION 910.** 977.05 (4) (h) of the statutes is amended to read:

4 977.05 (4) (h) Accept requests for legal services from children who are entitled
5 to be represented by counsel under s. 48.23 or 938.23, from persons who are entitled
6 to be represented by counsel under s. 48.23, 51.60, or 55.105, ~~or 938.23~~ and from
7 indigent persons who are entitled to be represented by counsel under s. ~~967.06~~
8 971.013 or who are otherwise so entitled under the constitution or laws of the United
9 States or this state and provide such persons with legal services when, in the
10 discretion of the state public defender, such provision of legal services is appropriate.

11 **SECTION 911.** 977.05 (4) (j) of the statutes is amended to read:

12 977.05 (4) (j) Subject to sub. (6) (e) and (f), at the request of any person
13 determined by the state public defender to be indigent or upon referral of any court,
14 prosecute a writ of error, appeal, action or proceeding for habeas corpus or other
15 postconviction or post-commitment remedy on behalf of the person before any court,
16 if the state public defender determines the case should be pursued. The state public
17 defender must pursue the case of any indigent person entitled to counsel under s.
18 ~~971.17~~ 971.85 (7) (b) 1. or 980.03 (2) (a).

19 **SECTION 912.** 977.05 (6) (b) 2. of the statutes is amended to read:

20 977.05 (6) (b) 2. The judge ~~or circuit court commissioner~~ before whom the
21 proceedings shall be held certifies to the state public defender that the person will
22 not be incarcerated if he or she is found in contempt of court.

23 **SECTION 913.** 977.05 (6) (e) (intro.) and 2. of the statutes are amended to read:

24 977.05 (6) (e) (intro.) The state public defender may not provide legal services
25 or assign counsel for a person who files a motion to modify sentence under s. ~~973.19~~

1 974.03 (1) (a), or for a person who appeals, under s. ~~973.19 (4)~~ 974.03 (1) (d), the denial
2 of a motion to modify sentence filed under s. ~~973.19~~ 974.03 (1) (a), unless the person
3 does one of the following:

4 2. Files the motion to modify sentence under s. ~~973.19~~ 974.03 (1) (a) within 20
5 days after the sentence or order is entered.

6 **SECTION 914.** 977.06 (2) (a) of the statutes is amended to read:

7 977.06 (2) (a) A person seeking to have counsel assigned for him or her under
8 s. 977.08, other than a person who is entitled to be represented by counsel under s.
9 ~~48.23, 51.60, or 55.105~~, or a child who is entitled to be represented by counsel under
10 s. 48.23 or 938.23, shall sign a statement declaring that he or she has not disposed
11 of any assets for the purpose of qualifying for that assignment of counsel. If the
12 representative or authority making the indigency determination finds that any asset
13 was disposed of for less than its fair market value for the purpose of obtaining that
14 assignment of counsel, the asset shall be counted under rules promulgated under s.
15 977.02 (3) at its fair market value at the time it was disposed of, minus the amount
16 of compensation received for the asset.

17 **SECTION 915.** 977.06 (2) (am) of the statutes is amended to read:

18 977.06 (2) (am) A person seeking to have counsel assigned for him or her under
19 s. 977.08, other than a person who is entitled to be represented by counsel under s.
20 ~~48.23, 51.60, or 55.105~~, or a child who is entitled to be represented by counsel under
21 s. 48.23 or 938.23, shall sign a statement declaring that the information that he or
22 she has given to determine eligibility for assignment of counsel he or she believes to
23 be true and that he or she is informed that he or she is subject to the penalty under
24 par. (b).

25 **SECTION 916.** 977.06 (3) (b) of the statutes is amended to read:

1 977.06 (3) (b) The state public defender may petition a court that ordered
2 payment under s. 757.66, 973.06 (1) (e), or 977.076 (~~1~~) to modify an order or judgment
3 to adjust the amount of payment or the scheduled amounts at any time.

4 **SECTION 917.** 977.07 (1) (a) of the statutes is amended to read:

5 977.07 (1) (a) Determination of indigency for persons entitled to counsel shall
6 be made as soon as possible and shall be in accordance with the rules promulgated
7 by the board under s. 977.02 (3) and the system established under s. 977.06. No
8 determination of indigency is required for a person who is entitled to be represented
9 by counsel under s. ~~48.23~~, 51.60, or 55.105, or for a child who is entitled to be
10 represented by counsel under s. 48.23 or 938.23. The state public defender may also
11 appoint counsel without a determination of indigency if the state public defender has
12 reason to doubt the competency of a person who has been charged with a crime or who
13 is pursuing postconviction relief in a criminal case.

14 **SECTION 918.** 977.07 (1) (c) of the statutes is amended to read:

15 977.07 (1) (c) For all referrals made under ss. 809.107, 809.30, 974.06 (3) (b)
16 and 974.07 (11), except a referral of a person who is entitled to be represented by
17 counsel under s. ~~48.23~~, 51.60, or 55.105, or of a child who is entitled to be represented
18 by counsel under s. 48.23 or 938.23, a representative of the state public defender
19 shall determine indigency. For referrals made under ss. 809.107, 809.30 and 974.06
20 (3) (b), except a referral of a person who is entitled to be represented by counsel under
21 s. ~~48.23~~, 51.60, or 55.105, or of a child who is entitled to be represented by counsel
22 under s. 48.23 or 938.23, the representative of the state public defender may, unless
23 a request for redetermination has been filed under s. 809.30 (2) (d) or the person's
24 request for representation states that his or her financial circumstances have

1 materially improved, rely upon a determination of indigency made for purposes of
2 trial representation under this section.

3 **SECTION 919.** 977.07 (2m) of the statutes is amended to read:

4 977.07 (2m) If the person is found to be indigent in full or in part, the person
5 shall be promptly informed of the state's right to payment or recoupment under s.
6 48.275 (2), 757.66, 938.275 (2), 973.06 (1) (e), or 977.076 (1), and the possibility that
7 the payment of attorney fees may be made a condition of probation, should the person
8 be placed on probation. Furthermore, if found to be indigent in part, the person shall
9 be promptly informed of the extent to which he or she will be expected to pay for
10 counsel, and whether the payment shall be in the form of a lump sum payment or
11 periodic payments. The person shall be informed that the payment amount may be
12 adjusted if his or her financial circumstances change by the time of sentencing. The
13 payment and payment schedule shall be set forth in writing. This subsection does
14 not apply to persons who have paid under s. 977.075 (3m).

15 **SECTION 920.** 977.076 (1) of the statutes is repealed.

16 **SECTION 921.** 977.076 (2) of the statutes is renumbered 977.076 and amended
17 to read:

18 **977.076 Collections.** The department of administration may collect unpaid
19 reimbursement payments to the state public defender ordered by a court under sub-
20 (1) or s. 48.275 (2), 757.66, 938.275 (2) (a), or 973.06 (1) (e). The department may
21 contract with a private collection agency to collect these payments. Section 16.705
22 does not apply to a contract under this subsection section.

23 **SECTION 922.** 977.08 (2) (intro.) of the statutes is amended to read:

24 977.08 (2) (intro.) All attorneys in a county shall be notified in writing by the
25 state public defender that a set of lists is being prepared of attorneys willing to

1 represent persons referred under s. ~~48.23 (4)~~, 51.60, or 55.105, or children referred
2 under s. 48.23 (4) or 938.23 (4) and indigent clients in the following:

3 **SECTION 923.** 978.045 (1r) (cm) of the statutes, as affected by 2015 Wisconsin
4 Act 64, is amended to read:

5 978.045 (1r) (cm) The judge may not appoint an attorney as a special
6 prosecutor to assist the district attorney in John Doe proceedings under s. ~~968.26~~
7 968.105 unless a condition under par. (bm) 1. to 8. exists or unless the judge
8 determines that a complaint received under s. ~~968.26~~ 968.105 (2) (am) relates to the
9 conduct of the district attorney to whom the judge otherwise would refer the
10 complaint. This paragraph does not prohibit assistance authorized by s. 978.05 (8).

11 **SECTION 924.** 978.05 (3) of the statutes is amended to read:

12 978.05 (3) JOHN DOE PROCEEDINGS. Participate in investigatory proceedings
13 under s. ~~968.26~~ 968.105.

14 **SECTION 925.** 978.05 (4) of the statutes is amended to read:

15 978.05 (4) GRAND JURY. When requested by a grand jury under s. ~~968.47~~
16 968.225, attend the grand jury for the purpose of examining witnesses in their
17 presence; give the grand jury advice in any legal matter; draw bills of indictment; and
18 issue subpoenas and other processes to compel the attendance of witnesses.

19 **SECTION 926.** 978.05 (6) (a) of the statutes, as affected by 2015 Wisconsin Act
20 55, is amended to read:

21 978.05 (6) (a) Institute, commence, or appear in all civil actions or special
22 proceedings under and perform the duties set forth for the district attorney under ch.
23 980 and ss. 17.14, 30.03 (2), 48.09 (5), 59.55 (1), 59.64 (1), 70.36, 89.08, 103.50 (8),
24 103.92 (4), 109.09, 343.305 (9) (a), 806.05, 938.09, 938.18, 938.355 (6) (b) and (6g) (a),
25 946.86, 946.87, 961.55 (5), ~~971.14~~ 971.81, and 973.075 to 973.077, perform any duties

1 in connection with court proceedings in a court assigned to exercise jurisdiction
2 under chs. 48 and 938 as the judge may request and perform all appropriate duties
3 and appear if the district attorney is designated in specific statutes, including
4 matters within chs. 782, 976 and 979 and subch. I of ch. 968 and ss. 51.81 to 51.85.
5 Nothing in this paragraph limits the authority of the county board to designate,
6 under s. 48.09 (5), that the corporation counsel provide representation as specified
7 in s. 48.09 (5) or to designate, under s. 48.09 (6) or 938.09 (6), the district attorney
8 as an appropriate person to represent the interests of the public under s. 48.14 or
9 938.14.

10 **SECTION 927.** 978.08 (1) (a) and (b) and (2) of the statutes are amended to read:

11 978.08 (1) (a) “Custody” has the meaning given in s. ~~968.205~~ 968.645 (1) (a).

12 (b) “Discharge date” has the meaning given in s. ~~968.205~~ 968.645 (1) (b).

13 (2) Except as provided in sub. (3), if physical evidence that is in the possession
14 of a district attorney includes any biological material that was collected in connection
15 with a criminal investigation that resulted in a criminal conviction, delinquency
16 adjudication, or commitment under s. ~~971.17~~ 971.85 or 980.06 ~~and the biological~~
17 ~~material is from a victim of the offense that was the subject of the criminal~~
18 ~~investigation or may reasonably be used to incriminate or exculpate any person for~~
19 ~~the offense~~, the district attorney shall preserve the physical evidence until every
20 person in custody as a result of the conviction, adjudication, or commitment has
21 reached his or her discharge date.

22 **SECTION 928.** 979.02 of the statutes is amended to read:

23 **979.02 Autopsies.** The coroner, medical examiner or district attorney may
24 order the conducting of an autopsy upon the body of a dead person any place within
25 the state in cases where an inquest might be had as provided in s. ~~979.04~~ 968.015

1 notwithstanding the fact that no such inquest is ordered or conducted. The autopsy
2 shall be conducted by a licensed physician who has specialized training in pathology.
3 The district attorney may move the ~~circuit~~ court for the county in which the body is
4 buried for an order disinterring the body for purposes of autopsy. The order shall be
5 granted by the ~~circuit~~ court upon a reasonable showing that any of the criteria
6 specified in s. 979.04 968.015 exists. This section does not prevent additional
7 autopsies or examinations of the body if there are unanswered pathological
8 questions concerning the death and the causes of death.

9 **SECTION 929.** 979.025 (1) of the statutes is amended to read:

10 979.025 (1) INMATE CONFINED TO AN INSTITUTION IN THIS STATE. If an individual
11 dies while he or she is in the legal custody of the department and confined to a
12 correctional facility located in this state, the coroner or medical examiner of the
13 county where the death occurred shall perform an autopsy on the deceased
14 individual. If the coroner or medical examiner who performs the autopsy determines
15 that the individual's death may have been the result of any of the situations that
16 would permit the district attorney to order an inquest under s. 979.04 968.015 (1),
17 the coroner or medical examiner shall follow the procedures under s. 979.04 968.015
18 (2).

19 **SECTION 930.** 979.025 (2) of the statutes is amended to read:

20 979.025 (2) INMATE CONFINED IN AN INSTITUTION IN ANOTHER STATE. If an
21 individual dies while he or she is in the legal custody of the department and confined
22 to a correctional facility in another state under a contract under s. 301.07, 301.21,
23 or 302.25, the department shall have an autopsy performed by an appropriate
24 authority in the other state or by the coroner or medical examiner of the county in
25 which the ~~circuit~~ court is located that sentenced the individual to the custody of the

1 department. If the coroner or medical examiner who performs the autopsy in this
2 state determines that the individual's death may have been the result of any of the
3 situations that would permit the district attorney to order an inquest under s. 979.04
4 968.015 (1), the coroner or medical examiner shall forward the results of the autopsy
5 to the appropriate authority in the other state.

6 **SECTION 931.** 979.04 of the statutes is renumbered 968.015 and amended to
7 read:

8 **968.015 Inquests: when ~~When~~ inquests may be called.** (1) If the district
9 attorney has notice of the death of any person and there is reason to believe from the
10 circumstances surrounding the death that the person was a victim of felony murder,
11 first-degree or 2nd-degree intentional homicide, first-degree or 2nd-degree
12 reckless homicide, homicide by negligent handling of dangerous weapon, explosives,
13 or fire, homicide by negligent operation of vehicle, homicide resulting from negligent
14 control of a vicious animal or, homicide by intoxicated user ~~use~~ of a vehicle or firearm
15 may have been committed, or that death may have been due to suicide or the person
16 died under unexplained or suspicious circumstances, the district attorney may order
17 that an inquest be conducted for the purpose of inquiring how the person died. ~~The~~
18 ~~district attorney shall appear in any such inquest representing the state in~~
19 ~~presenting all evidence which may be relevant or material to the inquiry of the~~
20 ~~inquest. The inquest may be held in any county in this state in which venue would~~
21 ~~lie for the trial of any offense charged as the result of or involving the death.~~

22 (4) An inquest may ~~only~~ be ordered only by the district attorney acting under
23 ~~this subsection sub. (1)~~ or by the circuit judge under sub. (2).

24 (2) If the coroner or medical examiner ~~has knowledge of the death of any~~ knows
25 that a person has died in the manner or under the circumstances described under in

1 sub. (1), he or she shall ~~immediately notify the district attorney. The notification~~
2 ~~shall include information concerning the circumstances surrounding the death. The~~
3 ~~coroner or medical examiner~~ may request the district attorney to order an inquest
4 under sub. (1). If the district attorney refuses to order the inquest, ~~a~~ the coroner
5 or medical examiner may petition the ~~circuit~~ court to order an inquest. The court
6 may issue the order if it finds that the district attorney has abused his or her
7 discretion in not ordering an inquest.

8 (3) ~~Subsequent to receipt of~~ After receiving notice of the death, the district
9 attorney may request the coroner or medical examiner to conduct a preliminary
10 investigation and report back to the district attorney. The district attorney may
11 determine the scope of the preliminary investigation. This subsection does not limit
12 or prevent any other investigation into the death by any law enforcement agency
13 with jurisdiction over the investigation.

14 SECTION 932. 979.05 (title) of the statutes is repealed.

15 SECTION 933. 979.05 (1) of the statutes is renumbered 968.025 (1) and amended
16 to read:

17 968.025 (1) BY WHOM CONDUCTED. ~~An inquest shall be conducted by a circuit A~~
18 ~~judge or a circuit court commissioner shall conduct each inquest.~~

19 SECTION 934. 979.05 (2) of the statutes is renumbered 968.025 (2) and amended
20 to read:

21 968.025 (2) BEFORE WHOM CONDUCTED. The inquest shall be conducted before
22 a jury unless the district attorney, coroner, or medical examiner requests that the
23 inquest be conducted before the judge ~~or circuit court commissioner~~ only.

24 (4) (a) If the inquest is to be conducted before a jury, the clerk shall select, in
25 the manner provided in s. 756.06 (1), a sufficient number of names of prospective

1 ~~jurors shall be selected from the prospective juror list for the county in which the~~
2 ~~inquest is to be held by the clerk of circuit court in the manner provided in s. 756.06.~~
3 ~~The judge or circuit court commissioner conducting the inquest shall summon the~~
4 ~~prospective jurors to appear before the judge or circuit court commissioner at the~~
5 ~~time fixed in the summons. The summons may be served by mail, or by personal~~
6 ~~service if the judge, circuit court commissioner, or district attorney determines~~
7 ~~personal service to be appropriate. The summons shall be in the form used to~~
8 ~~summon petit jurors in the circuit courts of the county~~ to ensure that the jury consists
9 of 6 members.

10 (b) Any person who fails to appear when summoned as an inquest juror is
11 ~~subject to a forfeiture of~~ shall forfeit not more than \$40. ~~The inquest jury shall consist~~
12 ~~of 6 jurors. If 6 jurors do not remain~~

13 (d) If, after all prospective jurors have been examined, fewer than 12 remain
14 ~~from the number originally summoned after establishment of qualifications, the~~
15 ~~judge or circuit court commissioner conducting the inquest may require~~ shall direct
16 ~~the clerk of the circuit court to select~~ to draw sufficient additional jurors' names.
17 ~~Those persons shall be summoned forthwith by the~~ The sheriff of the county shall
18 summon those persons immediately.

19 **SECTION 935.** 979.05 (3) of the statutes is renumbered 968.025 (4) (c) and
20 amended to read:

21 968.025 (4) (c) ~~The judge or circuit court commissioner shall examine on oath~~
22 ~~or affirmation each person who is called as a juror to discover whether the juror is~~
23 ~~related by blood, or marriage or adoption to the decedent, any member of the~~
24 ~~decedent's family, the district attorney, any other attorney appearing in the case, or~~
25 ~~any members of the office of the district attorney or of the office of any other attorney~~

1 appearing in the case, has expressed or formed any opinion regarding the matters
2 being inquired into in the inquest, or is aware of or has any bias or prejudice
3 concerning the matters being inquired into in the inquest. If any prospective juror
4 is found The court shall excuse any prospective juror whom it finds to be not
5 indifferent or is found to have formed an opinion ~~which~~ that cannot be laid aside, that
6 juror shall be excused. ~~The judge or circuit commissioner may select one or more~~
7 ~~alternate jurors if the inquest is likely to be protracted.~~ This subsection paragraph
8 does not limit the right of the district attorney to supplement the judge's or circuit
9 commissioner's examination of any prospective jurors as to qualifications.

10 **SECTION 936.** 979.05 (4) of the statutes is renumbered 968.025 (5) and amended
11 to read:

12 968.025 (5) OATH. ~~When 6~~ After the jurors have been selected, the judge or
13 ~~circuit court commissioner~~ shall administer to them an oath or affirmation which
14 shall be substantially in the following form:

15 You do solemnly swear (affirm) that you will diligently inquire and determine
16 on behalf of this state when, and in what manner and by what means, the person
17 known as who is now dead came to his or her death and that you will return
18 a true verdict thereon according to your knowledge, according to the evidence
19 presented, and according to the instructions given to you by the (judge) (~~circuit~~
20 ~~court commissioner~~).

21 **SECTION 937.** 979.05 (5), (6) and (7) of the statutes are renumbered 968.025 (6),
22 (7) and (8) and amended to read:

23 968.025 (6) ROLE OF DISTRICT ATTORNEY. ~~Prior to the submission of evidence to~~
24 ~~the jury, the judge or circuit court commissioner may instruct the jury on its duties~~
25 ~~and on the substantive law regarding the issues which may be inquired into before~~

1 ~~the jury~~ The district attorney shall appear in each inquest, represent the state, and
2 present all evidence that may be relevant or material to the inquiry of the inquest.
3 The district attorney may, at any time during the course of the inquest, make
4 statements to the jury relating to procedural or evidentiary matters he or she and
5 the judge or circuit court commissioner deem appropriate. Section 972.12 applies to
6 ~~the conduct of the inquest jury.~~

7 (7) SECURITY AND SEQUESTRATION. The judge or circuit court commissioner
8 conducting the inquest may order that proceedings be secret if the district attorney
9 so requests or concurs and may sequester the inquest jury under s. 972.05.

10 (8) JUROR COMPENSATION. Inquest jurors shall receive the same compensation
11 as jurors under s. 756.25.

12 **SECTION 938.** 979.06 (title), (1), (2) and (5) of the statutes are repealed.

13 **SECTION 939.** 979.06 (3), (4) and (6) of the statutes are renumbered 968.035 (1),
14 (2) and (3), and 968.035 (1) and (2), as renumbered, are amended to read:

15 968.035 (1) Any witness examined at an inquest may have counsel present
16 during the examination of that witness. The counsel may consult with a client during
17 the examination of that client. The counsel may not examine or cross-examine his
18 or her client, cross-examine or call other witnesses, or argue before the judge or
19 circuit court commissioner holding the inquest.

20 (2) The judge or circuit court commissioner shall administer an oath or
21 affirmation to each witness ~~which shall be substantially in the following form:~~

22 ~~You do solemnly swear (affirm) that the evidence and testimony you give to this~~
23 ~~inquest concerning the death of the person known as shall be the truth, the~~
24 ~~whole truth and nothing but the truth~~ and shall cause the testimony given by all
25 witnesses to be reduced to writing or recorded.

1 **SECTION 940.** 979.07 of the statutes is repealed.

2 **SECTION 941.** 979.08 (title) of the statutes is renumbered 968.055 (title).

3 **SECTION 942.** 979.08 (1) of the statutes is renumbered 968.055 (1) and amended
4 to read:

5 968.055 (1) ~~When the Before submitting evidence is concluded and the~~
6 ~~testimony closed to the jury in an inquest, the judge or circuit court commissioner~~
7 ~~shall may instruct the jury on its duties and on the substantive law regarding the~~
8 ~~issues that may be inquired into before the jury. The~~

9 (2) After all of the evidence is presented, the district attorney shall prepare a
10 ~~written set of appropriate requested instructions and shall submit them to the judge~~
11 ~~or circuit court commissioner who, together with the district attorney, a written set~~
12 ~~of proposed instructions on the jury's duties and on the substantive law regarding~~
13 ~~the issues inquired into before the jury. The judge shall compile the final set of~~
14 ~~instructions which shall be given. The instructions shall include these instructions~~
15 ~~for criminal offenses for which the judge or circuit court commissioner believes a~~
16 ~~reasonable jury might return a verdict based upon a finding of probable cause. The~~
17 ~~judge shall use the final instructions to instruct the jury and shall provide the jury~~
18 ~~with one complete set of them.~~

19 **SECTION 943.** 979.08 (2) of the statutes is repealed.

20 **SECTION 944.** 979.08 (3) (intro.) and (4) of the statutes are consolidated,
21 renumbered 968.055 (3) (intro.) and amended to read:

22 968.055 (3) (intro.) The jury shall retire to consider its verdict after hearing all
23 of the testimony and evidence, making all necessary inquiries, and having been
24 instructed in the law. ~~The judge or circuit court commissioner shall provide the jury~~
25 ~~with one complete set of written instructions providing the substantive law to be~~

1 applied to the issues to be decided. ~~The verdict shall be in a form which permits the~~
2 ~~following findings: (4) The jury shall render its verdict shall be based upon a finding~~
3 ~~of probable cause, be unanimous, and be rendered in writing, signed by all of its~~
4 ~~members of the jury. The verdict shall set forth its the jury's findings from the~~
5 ~~evidence produced according to the instructions. The verdict shall be in a form that~~
6 ~~permits the following findings:~~

7 **SECTION 945.** 979.08 (3) (a) of the statutes is renumbered 968.055 (3) (b) and
8 amended to read:

9 968.055 (3) (b) ~~Whether the deceased came to his or her death by criminal~~
10 ~~means died as a result of a crime and, if so, the specific crimes committed and the~~
11 ~~name of the person or persons, if known, having who committed the crimes.~~

12 **SECTION 946.** 979.08 (3) (b) of the statutes is renumbered 968.055 (3) (a) and
13 amended to read:

14 968.055 (3) (a) Whether the deceased came to his or her death by natural
15 causes, accident, suicide, or an act privileged by law.

16 **SECTION 947.** 979.08 (5) of the statutes is renumbered 968.055 (4) and amended
17 to read:

18 968.055 (4) ~~The inquest jury's verdict delivered by the inquest jury is advisory~~
19 ~~and does not preclude or require the issuance of any criminal charges by the district~~
20 ~~attorney.~~

21 **SECTION 948.** 979.08 (6) of the statutes is renumbered 968.055 (5) and amended
22 to read:

23 968.055 (5) Any verdict so rendered under sub. (4), after being validated and
24 signed by the judge ~~or circuit court commissioner~~, together with the record of the
25 inquest, shall be delivered to the district attorney for consideration. After

1 considering the verdict and record, the district attorney may deliver the entire
2 inquest record or any part thereof of the record to the coroner or medical examiner
3 for safekeeping.

4 **SECTION 949.** 979.08 (7) of the statutes is renumbered 968.055 (6) and amended
5 to read:

6 968.055 (6) ~~The Except as provided in s. 971.43, the record of a secret inquest~~
7 ~~proceeding shall is not be open for inspection unless so ordered by the judge or circuit~~
8 ~~court commissioner conducting the inquest upon petition by the district attorney.~~

9 **SECTION 950.** 979.09 of the statutes is amended to read:

10 **979.09 Burial of body.** If any judge or ~~circuit court commissioner~~ conducts
11 an inquest as to the death of a stranger or of a person whose identity is unknown or
12 whose body is unclaimed or if the district attorney determines that no inquest into
13 the death of such a person is necessary and the ~~circuit~~ judge has not ordered an
14 inquest under s. ~~979.04~~ 968.015 (2), the coroner or medical examiner shall cause the
15 body to be decently buried or cremated and shall certify to all the charges incurred
16 in taking any inquest by him or her and to the expenses of burial or cremation of the
17 dead body. The charges and expenses shall be audited by the county board of the
18 proper county and paid out of the county treasury.

19 **SECTION 951.** 979.10 (2) of the statutes is amended to read:

20 979.10 (2) If a corpse is to be cremated, the coroner or medical examiner shall
21 make a careful personal inquiry into the cause and manner of death, and conduct an
22 autopsy or order the conducting of an autopsy, if in his or her or the district attorney's
23 opinion it is necessary to determine the cause and manner of death. If the coroner
24 or medical examiner determines that no further examination or judicial inquiry is
25 necessary he or she shall certify that fact. Upon written request by the district

1 attorney the coroner or medical examiner shall obtain the concurrence of the district
2 attorney before issuing the certification. If the coroner or medical examiner
3 determines that further examination or judicial inquiry is necessary, he or she shall
4 notify the district attorney under s. ~~979.04~~ 968.015 (2).

5 **SECTION 952.** 979.11 of the statutes is amended to read:

6 **979.11 Compensation of officers.** The sole compensation of the coroner and
7 deputy coroners for attendance at an inquest and for any preliminary investigation
8 under ~~this chapter~~ ch. 968 at the direction of the district attorney shall be a
9 reasonable sum set by the county board for each day actually and necessarily
10 required for the purpose, and a sum set by the county board for each mile actually
11 and necessarily traveled in performing the duty. Any coroner or deputy coroner may
12 be paid an annual salary and allowance for traveling expenses to be established by
13 the county board under s. 59.22 which shall be in lieu of all fees, per diem, and
14 compensation for services rendered.

15 **SECTION 953.** 979.22 of the statutes is amended to read:

16 **979.22 Autopsies and toxicological services by medical examiners.** A
17 medical examiner may perform autopsies and toxicological services not required
18 under this chapter or under subch. I of ch. 968 and may charge a fee established by
19 the county board for such autopsies and services. The fee may not exceed an amount
20 reasonably related to the actual and necessary cost of providing the service.

21 **SECTION 954.** 980.015 (2) (c) of the statutes is amended to read:

22 980.015 (2) (c) The anticipated release of a person on conditional release under
23 s. ~~971.17~~ 971.85, the anticipated termination of a commitment order under ~~971.17~~
24 s. 971.85, or the anticipated discharge of a person from a commitment order under

1 s. ~~971.17~~ 971.85, if the person has been found not guilty of a sexually violent offense
2 by reason of mental disease or defect.

3 **SECTION 955.** 980.031 (4) of the statutes is amended to read:

4 980.031 (4) If a party retains or the court appoints a licensed physician,
5 licensed psychologist, or other mental health professional to conduct an examination
6 under this chapter of the person's mental condition, the examiner shall have
7 reasonable access to the person for the purpose of the examination, as well as to the
8 person's past and present treatment records, as defined in s. 51.30 (1) (b), and patient
9 health care records as provided under s. 146.82 (2) (cm), past and present juvenile
10 records, as provided under ss. 48.396 (6), 48.78 (2) (e), 938.396 (10), and 938.78 (2)
11 (e), and the person's past and present correctional records, including presentence
12 investigation reports under s. ~~972.15~~ 973.004 (6).

13 **SECTION 956.** 980.036 (2) (c) of the statutes is amended to read:

14 980.036 (2) (c) Evidence obtained in the manner described under s. ~~968.31~~
15 968.345 (2) (b), if the prosecuting attorney intends to use the evidence at the trial or
16 proceeding.

17 **SECTION 957.** 980.036 (6) of the statutes is amended to read:

18 980.036 (6) PROTECTIVE ORDER. Upon motion of a party, the court may at any
19 time order that discovery, inspection, or the listing of witnesses required under this
20 section be denied, restricted, or deferred, or make other appropriate orders. If the
21 prosecuting attorney or the attorney for a person subject to this chapter certifies that
22 listing a witness under sub. (2) (e) or (3) (a) may subject the witness or others to
23 physical or economic harm or coercion, the court may order that the deposition of the
24 witness be taken under s. ~~967.04 (2) to (6)~~ 967.21. The name of the witness need not
25 be divulged prior to the taking of such deposition. If the witness becomes unavailable

1 or changes his or her testimony, the deposition shall be admissible at trial as
2 substantive evidence.

3 **SECTION 958.** 995.50 (7) of the statutes is amended to read:

4 995.50 (7) No action for invasion of privacy may be maintained under this
5 section if the claim is based on an act which is permissible under ~~ss. s.~~ s. 196.63 or
6 ~~968.27 to 968.373~~ under subch. IV of ch. 968.

7 **SECTION 959. Initial applicability.**

8 (1) This act first applies to prosecutions commenced on the effective date of this
9 subsection.

10 (2) This act first applies to proceedings, commitments, and requirements
11 related to offenses committed on the effective date of this subsection.

12 **SECTION 960. Effective date.**

13 (1) This act takes effect on March 1, 2017, or on the day after publication,
14 whichever is later.

15 (END)