

2017 DRAFTING REQUEST

Assembly Amendment (AA-AB548)

For: **Ron Tusler (608) 266-5831** Drafter: **mshovers**
 By: **Evan** Secondary Drafters:
 Date: **11/6/2017** May Contact:

Same as LRB:

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

Pre Topic:

No specific pre topic given

Topic:

Claims by wrongfully imprisoned persons; liens, other debts must be satisfied before payment

Instructions:

Before a wrongfully imprisoned person may collect from a claim against the state, any amount the person owes for liens, child support, and restitution must be paid.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mshovers 11/8/2017	eweiss 11/8/2017	dwalker 11/8/2017	dwalker 11/8/2017	

FE Sent For: **<END>**

Shovers, Marc

From: Shovers, Marc
Sent: Monday, November 06, 2017 4:52 PM
To: Umpir, Evan
Subject: Amendments to AB 548

Hi Evan:

I'll be working on these amendments. I have a question about the request that would require any outstanding liens, restitution, or child support to be paid off out of an award before amounts received from the claims board could go to a wrongfully convicted individual.

Currently, the bill contains this provision, which should cover any restitution that may be owed:

(4h) Once the claims board determines the proper compensation award, but before the award is disbursed, the claims board shall determine the amount owed, if any, by the petitioner for any outstanding restitution, court fees, and fines related to any convictions that remain in place and that are not the subject of a finding of innocence under this section. The prosecutor of such convictions is responsible for providing the claims board with an accounting of all unpaid restitution, court fees, and fines. The claims board shall deduct and withhold from the compensation award any money owed, based on the accounting, before disbursing the compensation, and shall distribute the money withheld to the person to whom it is owed.

*Is
"judgments" OK
who notifies*

What are you hoping "liens" would cover? Do you mean any type of lien would have to be satisfied? For example, if the claimant had an outstanding lien filed by a home remodeler, that has no connection to the offense for which the claimant was convicted, would that lien have to be satisfied first, before the wrongfully convicted individual could receive the amount awarded by the claims board? Who would be responsible to notify the claims board of the outstanding lien?

As for outstanding child support that the wrongfully convicted individual may owe, who would be responsible for notifying the claims board of that amount?

Thanks,

Marc

Marc Shovers
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Even - Rep. Tussler 65821

AB 548 2 Amendments:

1) Δ standard of proof from wrongful conduct

Δ "preponderance" \rightarrow "clear & convincing"

2) Lien must be satisfied before Δ can
prostitution, child support

any judgment entered by a court to the wrongfully convicted person



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa1549/1

MES:...

emw

ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 548

Wed

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

2 ↓ **1.** Page 12, line 12: after “section” insert “, and the amount owed, if any, by the
3 petitioner, for any outstanding judgment entered by any court of this state, including
4 any delinquent amount of court-ordered child support”.

5 ↓ **2.** Page 12, line 14: after “fines.” insert “The claims board is responsible for
6 determining the amount of any outstanding judgment entered by any court of this
7 state, including any delinquent amount of court-ordered child support.”.

8 (END)