

**2019 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB28)**

For: **Cody Horlacher (608) 266-5715** Drafter: **mjohns**  
 By: **Nik** Secondary Drafters:  
 Date: **2/13/2020** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email: **Rep.Horlacher@legis.wisconsin.gov**  
 Carbon copy (CC) to: **melinda.johns@legis.wisconsin.gov**  
**Elizabeth.wheeler@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Confidentiality of victim statements in certain contexts

**Instructions:**

Create an assembly companion to SSA1 to SB32 for AB28

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mjohns 2/13/2020	wjackson 2/13/2020			
/1			dwalker 2/13/2020	dwalker 2/13/2020	

FE Sent For: **<END>**



State of Wisconsin  
2019 - 2020 LEGISLATURE

DUE 2/13/20

50278/1  
LRB60253/1  
MLJ:amn

**SENATE SUBSTITUTE AMENDMENT 1,  
TO SENATE BILL 32**

February 11, 2020 - Offered by Senator JACQUE.

1 **AN ACT to amend** 304.06 (1) (e), 304.10 (2), 938.32 (1) (b) 1g., 938.335 (3m) (ag),  
2 950.04 (1v) (m) and 972.14 (3) (a); and **to create** 938.293 (4) and 971.23 (6r) of  
3 the statutes; **relating to:** crime victim statements.

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

4 **SECTION 1.** 304.06 (1) (e) of the statutes is amended to read:

5 304.06 (1) (e) The parole commission shall permit any office or person under  
6 par. (c) 1. to 3. to provide written statements. The parole commission shall give  
7 consideration to any written statements provided by any such office or person and  
8 received on or before the date specified in the notice. This paragraph does not limit  
9 the authority of the parole commission to consider other statements or information  
10 that it receives in a timely fashion. Any statement provided under this paragraph  
11 by a person described in par. (c) 3. shall be kept confidential by the parole commission  
12 and is not subject to further disclosure.

1           **SECTION 2.** 304.10 (2) of the statutes is amended to read:

2           304.10 (2) When a victim or member of the victim's family receives notice under  
3 s. 304.09 (3), he or she may provide the governor with written statements indicating  
4 his or her views regarding the application and stating any circumstances within his  
5 or her knowledge in aggravation or extenuation of the applicant's guilt. Upon receipt  
6 of any such statement, the governor shall place the statement with the other pardon  
7 application papers. Any statement provided under this subsection shall be kept  
8 confidential and is not subject to further disclosure.

9           **SECTION 3.** 938.293 (4) of the statutes is created to read:

10           938.293 (4) VICTIM STATEMENTS. If the juvenile, the juvenile's counsel, or the  
11 guardian ad litem receives a victim statement provided under s. 950.04 (1v) (m), the  
12 statement and its contents shall be kept confidential and may not be printed, copied,  
13 or disseminated. Immediately after the conclusion of the dispositional hearing  
14 where the statement is being considered, the court shall require the juvenile, the  
15 juvenile's counsel, and the guardian ad litem to return any copies of the statement  
16 to the court. Intentional failure to comply with this subsection may be punished as  
17 contempt of court under ch. 785.

18           **SECTION 4.** 938.32 (1) (b) 1g. of the statutes is amended to read:

19           938.32 (1) (b) 1g. The court shall determine whether a victim of the juvenile's  
20 act wants to make a statement to the court. If a victim wants to make a statement,  
21 the court shall allow the victim to make a statement in court or to submit a written  
22 statement to be read to the court. Any victim statement submitted under this  
23 subdivision shall be kept confidential and sealed by the court. The court may allow  
24 any other person to make or submit a statement under this subdivision. Any  
25 statement made under this subdivision must be relevant to the consent decree.

1           **SECTION 5.** 938.335 (3m) (ag) of the statutes is amended to read:

2           938.335 (3m) (ag) The court shall determine whether a victim of the juvenile's  
3 act wants to make a statement to the court. If a victim wants to make a statement,  
4 the court shall allow the victim to make a statement in court or to submit a written  
5 statement to be read to the court. Any victim statement submitted under this  
6 paragraph shall be kept confidential and sealed by the court. The court may allow  
7 any other person to make or submit a statement under this paragraph. Any  
8 statement made under this paragraph must be relevant to the disposition.

9           **SECTION 6.** 950.04 (1v) (m) of the statutes is amended to read:

10          950.04 (1v) (m) To provide statements concerning sentencing, disposition, or  
11 parole, or pardon, as provided under ss. 304.06 (1) (e), 304.10 (2), 938.32 (1) (b) 1g.,  
12 938.335 (3m) (ag), and 972.14 (3) (a). Any statement provided under this paragraph  
13 shall be kept confidential and is not subject to further disclosure by the court, parole  
14 commission, or governor. This paragraph does not limit the obligation of the district  
15 attorney from complying with any applicable discovery requirements.

16          **SECTION 7.** 971.23 (6r) of the statutes is created to read:

17          971.23 (6r) VICTIM STATEMENTS. If the defendant or his or her attorney receives  
18 a victim statement provided under s. 950.04 (1v) (m), the statement and its contents  
19 shall be kept confidential and may not be printed, copied, or disseminated.  
20 Immediately after the conclusion of the sentencing hearing where the statement is  
21 being considered, the court shall require the defendant or his or her attorney to  
22 return any copies of the statement to the court. Intentional failure to comply with  
23 this subsection may be punished as contempt of court under ch. 785.

24          **SECTION 8.** 972.14 (3) (a) of the statutes is amended to read:

