

1977 Senate Bill 393

Date published: April 6, 1978

**CHAPTER 239, Laws of 1977**

AN ACT to renumber 949.01 (4) and (5); to amend 949.03 (1) (b), 949.04 (3), 949.06 (1) and (3), 949.11 (6) and 949.14 (1); to repeal and recreate 949.03 (1) (b); and to create 949.01 (4) and 949.06 (2) (c) of the statutes, relating to various changes in awards to victims of crimes.

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

SECTION 1. 949.01 (4) and (5) of the statutes are renumbered 949.01 (5) and (6).

SECTION 2. 949.01 (4) of the statutes is created to read:

949.01 (4) "Medical treatment" includes medical, surgical, dental, optometric, chiropractic, podiatric and hospital care; medicines; medical, dental and surgical supplies; crutches; artificial members; appliances and training in the use of artificial members and appliances.

SECTION 3. 949.03 (1) (b) of the statutes, as affected by chapter ... (Senate Bill 14), laws of 1977, is repealed and recreated to read:

949.03 (1) (b) The commission or the attempt to commit any crime specified in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, 940.20, 940.201, 940.206, 940.21, 940.22, 940.225 (1) to (3), 940.23, 940.24, 940.28, 940.29, 940.30, 940.31, 940.32, 943.02, 943.03, 943.04, 943.10, 943.20, 943.32 or 944.12.

SECTION 4. 949.03 (1) (b) of the statutes, as affected by chapters 173 and ... (this act), laws of 1977, is amended to read:

949.03 (1) (b) The commission or the attempt to commit any crime specified in s. 940.01, 940.02, ~~940.03~~, 940.05, 940.06, 940.07, 940.08, 940.09, 940.19, 940.20, 940.201, ~~940.206~~, 940.21, ~~940.22~~, 940.225 (1) to (3), 940.23, 940.24, 940.28, 940.29, 940.30, 940.31, 940.32, 943.02, 943.03, 943.04, 943.10, 943.20, 943.32 or 944.12.

SECTION 5. 949.04 (3) of the statutes is amended to read:

949.04 (3) (title) MEDICAL AND DENTAL RECORDS. The applicant shall submit to the department, prior to the hearing under s. 949.11, reports from all physicians, osteopaths, dentists, optometrists, chiropractors or podiatrists who treated or examined the victim at the time of or subsequent to the victim's injury or death. The department may also order such other examinations and reports of the victim's previous medical and dental history, injury or death as it believes would be of material aid in its determination.

SECTION 6. 949.06 (1) and (3) of the statutes are amended to read:

949.06 (1) Compensation under this chapter shall be computed on the basis of the victim's salary at the time of injury or death by using the computation formulas for worker's compensation benefits described in ss. 102.11, 102.43 (intro.) and (1) to (4), 102.44 (3) and (4), 102.46, 102.47, 102.52, 102.53 and 102.55. Compensation shall also include reimbursement for the cost of ~~medical, surgical and hospital treatment, medicines, medical and surgical supplies, crutches, artificial members, appliances, and training in the use of artificial members and appliances,~~ or, at the option of the person, Christian Science treatment in lieu of medical treatment, ~~medicines and medical supplies,~~ as may be reasonably required to cure and relieve from the effects of the injury, and to attain efficient use of artificial members and appliances. ~~A rape victim shall be compensated for all medical, surgical and hospital expenses incurred for any purposes related to a criminal prosecution.~~

(3) The department may not make a compensation award of more than \$10,000 nor less than \$200 for any one injury or death, except that a victim of sexual assault shall be compensated for the cost of all medical treatment expenses, not to exceed \$10,000, incurred for any purposes related to a criminal prosecution.

SECTION 7. 949.06 (2) (c) of the statutes is created to read:

949.06 (2) (c) If the sole employment of the victim at the time of injury or death, and for the preceding 5 years, was limited to performing duties and responsibilities of a homemaker, any award made under this section shall be sufficient to ensure that the duties and responsibilities are continued until such time as the victim is able to resume the performance of the duties or until the cost of the services reaches the maximum allowable under sub. (3), whichever is less. Weekly payments shall not exceed the limits prescribed in s. 102.11.

SECTION 8. 949.11 (6) of the statutes is amended to read:

949.11 (6) ~~Notwithstanding s. 227.07, all~~ All hearings shall be open to the public unless in a particular case the examiner determines that the hearing, or a portion thereof, shall be held in private having regard to the fact that the offender has not been convicted or to the interest of the victim of an alleged sexual offense.

SECTION 9. 949.14 (1) of the statutes is amended to read:

949.14 (1) The department may determine and allow reasonable ~~attorney's~~ attorney fees to be paid out of, but not in addition to, the amount of the award granted to the applicant. No attorney may ask for, contract for or receive any larger sum than the amount so allowed. ~~In no case shall such Attorney fees shall not~~ shall not exceed 20% of the ~~award amount the attorney assisted the victim in obtaining.~~

SECTION 10. **Effective date.** (1) Except as provided in subs. (2) and (3), this act takes effect on the day after its publication.

(2) Section 949.01 (4) of the statutes, as created by this act, takes effect retroactively to January 1, 1977.

(3) The treatment of section 949.03 (1) (b) of the statutes by SECTION 4 of this act shall take effect June 1, 1978.

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