



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBa0736/3
JEO:kaf:ch

**ASSEMBLY AMENDMENT 3,
TO 1997 ASSEMBLY BILL 342**

October 28, 1997 - Offered by COMMITTEE ON JUDICIARY.

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

2 **1.** Page 32, line 12: after the period insert "In reviewing a complaint under this
3 subsection, the board may not begin any investigation or take any action specified
4 in pars. (a) to (d) until the board first determines that there is probable cause to
5 believe that the subject of the complaint violated the rights of a crime victim."

6 **2.** Page 33, line 12: after that line insert:

7 **"SECTION 83m.** 950.095 of the statutes is created to read:

8 **950.095 Confidentiality of complaints.** (1) (a) The records of the
9 department relating to a complaint made under s. 950.08 (3) are confidential unless
10 the subject of the complaint waives the right to confidentiality in writing to the
11 department.

12 (am) Before a finding of probable cause under s. 950.09 (2), a complaint referred
13 to the crime victims rights board under s. 950.09 (2) is confidential unless the subject

1 of the complaint waives the right to confidentiality in writing to the crime victims
2 rights board.

3 (b) If a complaint becomes known to the public before the completion of action
4 by the department under s. 950.08 (3) or a finding of probable cause by the crime
5 victims rights board under s. 950.09 (2), the department or the crime victims rights
6 board, whichever is applicable, may issue statements in order to confirm that a
7 complaint has been made or is being reviewed, to clarify the procedural aspects of
8 actions taken under ss. 950.08 (3) and 950.09 (2), to explain the right of the subject
9 of the complaint to respond to the complaint, to state that the subject of the complaint
10 denies the allegations, if applicable, to state that action under ss. 950.08 (3) and
11 950.09 (2) has been completed and no basis for the complaint was found or to correct
12 public misinformation.

13 **(1m)** In investigating a complaint made under s. 950.08 (3) or being reviewed
14 under s. 950.09 (2), the department or the crime victims rights board, whichever is
15 applicable, shall do all of the following:

16 (a) Act to avoid unnecessary embarrassment to and publicity for the subject of
17 the complaint.

18 (b) Request any person contacted for information not to disclose that an
19 investigation is being conducted or the nature of any inquiries made by the
20 department or the crime victims rights board.

21 **(2)** This section does not preclude the department or the crime victims rights
22 board from doing any of the following:

23 (a) Informing the person who made the complaint of the outcome of any action
24 by the department or review by the crime victims rights board.

1 (b) Referring to the judicial commission information relating to alleged
2 misconduct by or an alleged disability of a judge or court commissioner.

3 (c) Referring to an appropriate law enforcement authority information relating
4 to possible criminal conduct or otherwise cooperating with a law enforcement
5 authority in matters of mutual interest.

6 (d) Referring to an attorney disciplinary agency information relating to the
7 possible misconduct or incapacity of an attorney or otherwise cooperating with an
8 attorney disciplinary agency in matters of mutual interest.

9 (e) Disclosing to the chief justice or director of state courts information relating
10 to matters affecting the administration of the courts.”.

11

(END)