



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa1511/1
CMH:kjf:rs

**ASSEMBLY AMENDMENT 3,
TO 2011 ASSEMBLY BILL 232**

September 21, 2011 – Offered by Representative **KESSLER**.

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

2 **1.** Page 2, line 13: after that line insert:

3 “**SECTION 3d.** 950.04 (1v) (g) of the statutes, as affected by 2011 Wisconsin Act
4 38, is amended to read:

5 950.04 (1v) (g) To have reasonable attempts made to notify the victim of
6 hearings or court proceedings, as provided under ss. 302.113 (9g) (g) 2., 302.114 (6),
7 938.27 (4m) and (6), 938.273 (2), and 971.095 (3) and ~~972.14 (3) (b)~~.

8 **SECTION 3h.** 950.04 (1v) (L) of the statutes is amended to read:

9 950.04 (1v) (L) To have the district attorney or corporation counsel, whichever
10 is applicable, make a reasonable attempt to contact the victim concerning the
11 victim’s right to make a statement, as provided under ss. 938.32 (1) (b) 2., 938.335
12 (3m) (b), 971.095 (2m), and 972.14 (3) (b).

13 **SECTION 3f.** 950.04 (1v) (m) of the statutes is amended to read:

1 950.04 (1v) (m) To provide statements concerning sentencing, disposition, or
2 parole, as provided under ss. 304.06 (1) (e), 938.32 (1) (b) 1g., 938.335 (3m) (ag),
3 971.095 (2m), and 972.14 (3) (a).

4 **SECTION 3i.** 950.08 (2g) (c) of the statutes is amended to read:

5 950.08 (2g) (c) The address and telephone number of the intake worker,
6 corporation counsel or district attorney whom the victim may contact to obtain
7 information concerning the rights of victims and to request notice of court
8 proceedings under ss. s. 938.27 (4m) and or (6), 938.273 (2), 938.299 (1) (am) and
9 938.335 (3m) (b), or ss. 971.095 (3) and 972.14 (3) (b), whichever is applicable, and
10 to request the opportunity to confer under ss. s. 938.245 (1m), 938.265 or, 938.32 (1)
11 (am), or s. 971.095 (2), whichever is applicable; and to request the opportunity to
12 provide a written statement to the court under s. 971.095 (2m).

13 **SECTION 3k.** 971.095 (2m) of the statutes is created to read:

14 971.095 (2m) In any case in which a defendant has been charged with a crime,
15 the district attorney shall, as soon as practicable, ask all of the victims in the case
16 who want to make a statement to the court to provide a written statement to the
17 court. The district attorney shall ensure that any statement is available, as soon as
18 practicable, to any party involved in prosecuting the crime.”.

19 **2.** Page 2, line 14: delete lines 14 to 21.

20 **3.** Page 2, line 21: after that line insert:

21 **“SECTION 4b.** 971.08 (1) (d) of the statutes is amended to read:

22 971.08 (1) (d) Inquire of the district attorney whether he or she has complied
23 with s. 971.095 (2) and (2m).

24 **SECTION 4d.** 971.315 of the statutes is amended to read:

1 **971.315 Inquiry upon dismissal.** Before a court dismisses a criminal charge
2 against a person, the court shall inquire of the district attorney whether he or she
3 has complied with s. 971.095 (2) and (2m).

4 **SECTION 4g.** 972.14 (2m) of the statutes is amended to read:

5 972.14 **(2m)** Before pronouncing sentence, the court shall inquire of the district
6 attorney whether he or she has complied with s. 971.095 (2) and (2m) and with sub.
7 (3) (b), whether any of the victims of a crime considered at sentencing requested
8 notice of the date, time and place of the sentencing hearing and, if so, whether the
9 district attorney provided to the victim notice of the date, time and place of the
10 sentencing hearing.

11 **SECTION 4i.** 972.14 (3) (a) of the statutes is amended to read:

12 972.14 **(3)** (a) Before pronouncing sentence, the court shall determine whether
13 a victim of a crime considered at sentencing wants to make a statement to the court.
14 If a victim provided a written statement under s. 971.095 (2m), the court shall have
15 the written statement read in court. If a victim was not asked under s. 971.095 (2m)
16 to provide a written statement and wants to make a statement, the court shall allow
17 the victim to make a statement in court or to submit a written statement to be read
18 in court. If a victim was asked under s. 971.095 (2m) to provide a written statement
19 and wants to make an additional statement, the court shall allow the victim to make
20 a statement in court or to submit a written statement to be read in court if the
21 allowance does not delay the sentence pronouncement. The court may allow any
22 other person to make or submit a statement under this paragraph. Any statement
23 under this paragraph must be relevant to the sentence.

24 **SECTION 4k.** 972.14 (3) (b) of the statutes is amended to read:

