



1995 ASSEMBLY BILL 448

June 20, 1995 - Introduced by Representatives ALBERS, GOETSCH, GREEN, SKINDRUD, SCHNEIDERS, KAUFERT, WIRCH and ZIEGELBAUER, cosponsored by Senators BUETTNER, HUELSMAN and FARROW. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT to amend** 973.20 (3) (a) and 973.20 (5) (a); and **to create** 973.20 (4m) and
2 973.20 (13) (c) 5. of the statutes; **relating to:** restitution payments for future
3 counseling costs for sexual assault victims and certain child victims.

Analysis by the Legislative Reference Bureau

Under current law, whenever a court imposes a sentence or orders probation for any crime, the court must order the defendant to make restitution payments to crime victims unless the court finds a substantial reason not to do so. The restitution law has various general and specific provisions for the court to use to determine what the restitution order may include. This bill specifies that if the crime involves a sexual crime against a child victim or a sexual assault against any victim, the court may require the restitution order to include an amount, not to exceed \$10,000, for future counseling costs.

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

4 **SECTION 1.** 973.20 (3) (a) of the statutes is amended to read:
5 973.20 (3) (a) ~~Pay~~ Except as provided in sub. (4m), pay an amount equal to the
6 cost of necessary medical and related professional services and devices relating to
7 physical, psychiatric and psychological care and treatment.
8 **SECTION 2.** 973.20 (4m) of the statutes is created to read:
9 973.20 (4m) If the defendant violated s. 940.225, 948.02, 948.05, 948.06, 948.07
10 or 948.08, the restitution order may require that the defendant pay an amount, not

1 to exceed \$10,000, into an interest-bearing account. The moneys in the account may
2 be used only for counseling costs that the victim may need in the future. The
3 restitution order shall specify a date when the defendant shall receive any moneys
4 remaining in that account. The \$10,000 limit under this subsection does not apply
5 to counseling ordered under sub. (3) or (5).

6 **SECTION 3.** 973.20 (5) (a) of the statutes is amended to read:

7 973.20 (5) (a) ~~Pay~~ Except as provided in sub. (4m), pay all special damages, but
8 not general damages, substantiated by evidence in the record, which could be
9 recovered in a civil action against the defendant for his or her conduct in the
10 commission of the crime.

11 **SECTION 4.** 973.20 (13) (c) 5. of the statutes is created to read:

12 973.20 (13) (c) 5. If sub. (4m) applies, the court need only determine who is a
13 victim and need not determine that counseling will be needed for that victim.

14 **SECTION 5. Initial applicability.**

15 (1) This act first applies to offenses occurring on the effective date of this
16 subsection.

17 (END)