1

LRB-4155/1 MGD:jld:rs

2005 ASSEMBLY BILL 949

January 30, 2006 – Introduced by Representatives Molepske, Bies, Nelson, Musser, Ott, Zepnick, Townsend, Berceau, Seidel, Pocan, Sheridan, Lehman, Petrowski, Van Akkeren, Ballweg, Gunderson, Turner and Toles, cosponsored by Senators Lassa, Miller and Taylor. Referred to Committee on Judiciary.

- $f AN\ ACT$ to renumber and amend 949.08 (2) (g); and to create 949.08 (2) (g) 2.
- of the statutes; **relating to:** awards for dependents of deceased victims of crime.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Justice provides awards when persons are victimized by certain crimes or when persons are injured or killed while doing or attempting to do any of the following: preventing the commission of a crime; apprehending a suspected criminal; aiding a police officer seeking to apprehend or arrest a suspected criminal; or aiding a victim of certain crimes. In a case in which the person is killed, the award may be paid to the person's dependents. Current law, however, prohibits the payments of awards under a variety of circumstances, including cases in which the victim is listed on the state's child support lien docket. This bill eliminates that prohibition on paying awards in cases in which the victim was killed.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

- **SECTION 1.** 949.08 (2) (g) of the statutes is renumbered 949.08 (2) (g) (intro.)
- 5 and amended to read:

ASSEMBLY BILL 949

1

 $\mathbf{2}$

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

| | 949.08 (2) (g) (intro.) | Is included on | the statewide | support lien | docket ur | ıder |
|----|--------------------------------|-----------------|----------------|--------------|-----------|------|
| s. | 49.854 (2) (b), unless the | any of the foll | owing applies: | | | |

1. The victim provides to the department a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

SECTION 2. 949.08 (2) (g) 2. of the statutes is created to read:

949.08 **(2)** (g) 2. The victim was killed while engaging in conduct specified in s. 949.03 (1) (a), as a result of a crime under s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, 940.10, 940.285 (2) (b) 1g., 941.327 (2) (b) 4., or 948.51 (3) (c), or by any act or omission of any other person that is within the description of the offense listed and the condition provided in s. 949.03 (1) (c).

SECTION 3. Nonstatutory provisions.

- (1) The one-year requirement under section 949.08 (1) of the statutes does not apply to an order for the payment of an award if all of the following apply:
- (a) The application for the award was made no later than one year after the effective date of this paragraph.
- (b) The victim was killed under the circumstances specified in section 949.08(2) (g) 2. of the statutes, as created by this act, before the effective date of this paragraph.
- (c) Any application for an award that was or might have been made before the effective date of this paragraph was or would have been denied under section 949.08 (2) (g), 2003 stats.

23

22