



2007 ASSEMBLY BILL 964

March 13, 2008 - Introduced by Representatives SHILLING, SINICKI and BERCEAU.
Referred to Committee on Corrections and Courts.

- 1 **AN ACT** *to create* 20.625 (1) (cm), 756.35 and 758.19 (6m) of the statutes;
2 **relating to:** establishing a trauma counseling program for jurors, granting
3 rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, persons serving as jurors in the courts of this state are entitled to receive a jury fee and, if applicable, a mileage fee for travel to the court.

This bill creates a program administered by the director of state courts to provide up to four hours of counseling to jurors who were traumatized by their experiences of serving as jurors in trials under ch. 940 or 948 that involved graphic testimony and evidence, controversial and emotionally disturbing subject matters, or that were extremely long in duration. A juror seeking counseling under this program must submit an application for counseling to the circuit court in which he or she served as a juror within 30 days after the court dismisses the jury. All such counseling must be completed within 90 days after the juror submitted the application for counseling. The person providing the counseling under the program must, unless he or she falls under certain exceptions, be a mental health care provider who is licensed or certified in this state. The bill requires that mental health care providers performing counseling services be approved by the court and be paid at the current Medical Assistance reimbursement rate levels for equivalent outpatient mental health services.

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For further information see the *state and local* 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:

1 **SECTION 1.** 20.625 (1) (cm) of the statutes is created to read:

2 20.625 (1) (cm) *Juror trauma counseling costs.* A sum sufficient to pay the juror
3 trauma counseling costs under s. 758.19 (6m).

4 **SECTION 2.** 756.35 of the statutes is created to read:

5 **756.35 Trauma counseling program for jurors. (1) PROGRAM.** The director
6 of state courts shall establish a program to provide counseling to jurors who have
7 been traumatized by their experiences of serving on juries in trials in which charges
8 were brought under ch. 940 or 948 and to meet the requirements of sub. (2). The
9 director of state courts shall create forms for juror applications for counseling and
10 may promulgate rules that do the following:

11 (a) Authorize certain types of court employees to review and approve juror
12 applications for counseling.

13 (b) Develop standards for granting applications for counseling under this
14 section.

15 (c) Provide training to those court employees who are authorized under par. (a)
16 to administer the juror counseling program.

17 **(2) ELIGIBILITY.** A juror who suffered trauma from his or her experience of
18 serving on a jury in a trial in which charges were brought under ch. 940 or 948 that
19 involved graphic testimony and evidence, controversial and emotionally disturbing
20 subject matters, or that was extremely long in duration may apply to receive
21 counseling under this section. The application for counseling must be received by the

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1 circuit court in which the applicant served as a juror within 30 days after the court
2 dismissed the jury.

3 (3) COUNSELING. A juror whose application for counseling under this section is
4 approved may receive up to 4 hours of counseling. The counseling must be provided
5 by a mental health care provider approved by the court who is licensed or certified
6 in this state or who, under s. 455.02 (2m), is not required to be licensed or certified
7 in this state. The counseling must be concluded within 90 days after the juror applied
8 for counseling under this section.

9 (4) PAYMENT AND REIMBURSEMENT. The county in which the circuit court is
10 located shall pay the expenses for all juror trauma counseling received under sub.
11 (3). The amount of the maximum hourly reimbursement rate for mental health
12 professionals providing the counseling under this section is the Medical Assistance
13 reimbursement rate for provision of equivalent outpatient mental health services by
14 an equivalent provider who is certified under s. 49.45 (2) (a) 11. for fiscal year
15 2009-10, to be adjusted annually to reflect adjustments to the U.S. consumer price
16 index for all urban consumers, U.S. city average, as determined by the U.S.
17 department of labor. The county shall be reimbursed as provided in s. 758.19 (6m)
18 for expenses paid under this subsection.

19 **SECTION 3.** 758.19 (6m) of the statutes is created to read:

20 758.19 (6m) (a) From the appropriation under s. 20.625 (1) (cm), the director
21 of state courts shall reimburse counties on a semiannual basis for the actual
22 expenses paid for juror trauma counseling provided under s. 756.35 and for each
23 county's administrative expenses for administering this program.

24 (b) To receive reimbursement under par. (a), a county must submit, on forms
25 provided by the director of state courts, an accounting of the amount paid for

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1 expenses related to juror trauma counseling that are eligible for reimbursement
2 under par. (a), including administrative expenses incurred by a county. The forms
3 must include expenses for the preceding 6-month period and must be submitted
4 within 90 days after that 6-month period has ended. The director of state courts may
5 not reimburse a county for any expenses related to juror trauma counseling that are
6 submitted after the 90-day period has ended.

7 **SECTION 4. Initial applicability.**

8 (1) This act first applies to jurors serving on juries dismissed by the court on
9 July 1, 2009.

10 (END)