



2013 SENATE BILL 354

October 22, 2013 – Introduced by Senators COWLES, SCHULTZ, PETROWSKI, HANSEN, HARRIS, SHILLING and LASSA, cosponsored by Representatives STEINEKE, KRUG, BALLWEG, BERNIER, BORN, BROOKS, CZAJA, HUTTON, JAGLER, KAUFERT, KERKMAN, KLEEFISCH, T. LARSON, LEMAHIEU, LOUDENBECK, MARKLEIN, MURSAU, MURPHY, NYGREN, A. OTT, RIPP, SCHRAA, SPIROS, SWEARINGEN, TITTL, BERCEAU, BERNARD SCHABER, BILLINGS, HEBL, KAHL, KOLSTE, MASON, OHNSTAD, RICHARDS, RINGHAND, SARGENT, C. TAYLOR, WRIGHT, JACQUE and WEININGER. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

- 1 **AN ACT to renumber** 50.377 (1); **to amend** 950.02 (1m); and **to create** 50.377
2 (1) (b), 50.378 and 950.053 of the statutes; **relating to:** granting victims of
3 certain offenses a right to be accompanied by a victim advocate.

Analysis by the Legislative Reference Bureau

Under current law, a victim of a crime is afforded certain rights while his or her case proceeds through the criminal justice system, including the right to be present at certain hearings, the right to make statements regarding the disposition of the case, and the right to be notified of additional proceedings after the case has been adjudicated. Current law allows a victim of certain crimes, including domestic abuse or certain acts of child abuse, harassment, sexual assault, or sexual exploitation by a therapist, to be accompanied by a victims' advocate or counselor at criminal hearings, depositions, court proceedings, and at meetings related to the hearings, depositions, and court proceedings if the crime is a factor in a child custody case involving the victim or if the crime is a factor in the victim's ability to represent his or her own interests in the proceedings.

Under this bill, in addition to the rights he or she enjoys under current law, a victim of domestic abuse, harassment, certain sexual assault crimes, and certain crimes of child abuse (abusive conduct) has the right to be accompanied by a victim advocate of his or her choosing at any activity or event related to the abusive conduct that the victim attends, or is requested to attend by any law enforcement agency, district attorney, department of justice, department of corrections, or court.

Under the bill, any hospital that provides emergency services to a victim of abusive conduct is required to allow, at the victim's request, a victim advocate to

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accompany the victim to any examination or consultation related to the abusive conduct. The bill allows a victim or, if the victim is a minor, the parent or guardian of the victim, to request a victim advocate to accompany him or her. Under the bill, a minor may also request a victim advocate without the permission of his or her parent or guardian.

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

1 **SECTION 1.** 50.377 (1) of the statutes is renumbered 50.377 (1) (a).

2 **SECTION 2.** 50.377 (1) (b) of the statutes is created to read:

3 50.377 (1) (b) Whoever violates a requirement under s. 50.378 (2) may be
4 required to forfeit not less than \$1,000 nor more than \$2,500 for each violation.

5 **SECTION 3.** 50.378 of the statutes is created to read:

6 **50.378 Accompaniment by a victim advocate. (1) DEFINITIONS.** In this
7 section:

8 (a) "Abusive conduct" means a completed or attempted act of domestic abuse,
9 as defined in s. 813.12 (1) (am), harassment, as defined in s. 813.125 (1), or a violation
10 of s. 940.22, 940.225, 940.32, 942.08, 942.09, or ss. 948.01 to 948.11.

11 (b) "Victim advocate" means an individual who is an employee of, or a volunteer
12 for, a sexual assault service provider that is eligible to receive grants under s. 165.93
13 (2) (b) or a domestic abuse victim service provider that is certified by the department
14 of health services as eligible to receive grants under s. 49.165 (2). An individual who
15 is acting as a sexual assault nurse examiner or who is an employee of a law
16 enforcement agency is not a victim advocate for the purposes of this section.

17 (c) "Victim of abusive conduct" means a person who alleges or for whom it is
18 alleged that he or she suffered abusive conduct and who, as a result of the abusive
19 conduct, presents as a patient at a hospital that provides emergency services.

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1 **(2) RIGHT TO ACCOMPANIMENT BY A VICTIM ADVOCATE.** (a) A hospital that provides
2 emergency services to a victim of abusive conduct shall, at the request of a victim of
3 abusive conduct, permit a victim advocate to accompany the victim to any
4 examination or consultation that is performed at the hospital as a result of the
5 abusive conduct.

6 (b) A parent, guardian, or legal custodian of a minor who is a victim of abusive
7 conduct may make a request under par. (a) for a victim advocate to accompany the
8 minor victim of abusive conduct.

9 (c) A minor who is a victim of abusive conduct may make a request under par.
10 (a) for a victim advocate to accompany him or her without the consent of his or her
11 parent, guardian, or legal custodian.

12 **(3)** The department shall respond to any complaint received by the department
13 concerning noncompliance by a hospital with the requirements of sub. (2) and shall
14 periodically review hospital procedures to determine whether a hospital is in
15 compliance with the requirements.

16 **SECTION 4.** 950.02 (1m) of the statutes is amended to read:

17 950.02 **(1m)** “Crime” means an act committed in this state which, if committed
18 by a competent adult, would constitute a crime, as defined in s. 939.12, or would
19 constitute abusive conduct, as defined in s. 950.053 (1) (a).

20 **SECTION 5.** 950.053 of the statutes is created to read:

21 **950.053 Victims of abusive conduct. (1) DEFINITIONS.** In this section:

22 (a) “Abusive conduct” means a completed or attempted act of domestic abuse,
23 as defined in s. 813.12 (1) (am), harassment, as defined in s. 813.125 (1), or a violation
24 of s. 940.22, 940.225, 940.32, 942.08, 942.09, or ss. 948.01 to 948.11.

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1 (b) "Victim advocate" means an individual who is an employee of, or a volunteer
2 for, a sexual assault service provider that is eligible to receive grants under s. 165.93
3 (2) (b) or a domestic abuse victim service provider that is certified by the department
4 of health services as eligible to receive grants under s. 49.165 (2). An individual who
5 is acting as a sexual assault nurse examiner or who is an employee of a law
6 enforcement agency is not a victim advocate for the purposes of this section.

7 (c) "Proceedings related to abusive conduct" means any activity or event that
8 the victim of the abusive conduct attends or is requested to attend related to the
9 abusive conduct if the activity or event is engaged in or commenced by a law
10 enforcement agency, district attorney, department of justice, department of
11 corrections, a court, or the victim of abusive conduct.

12 **(2) RIGHT TO ACCOMPANIMENT BY A VICTIM ADVOCATE.** (a) In addition to all rights
13 afforded to victims and witnesses under s. 950.04 and services provided under s.
14 950.06 (1m), a victim of abusive conduct has the right to be accompanied, at his or
15 her request, by a victim advocate at all proceedings related to abusive conduct.

16 (b) A parent, guardian, or legal custodian of a minor who is a victim of abusive
17 conduct may make a request under par. (a) for a victim advocate to accompany the
18 minor victim of abusive conduct.

19 (c) A minor who is a victim of abusive conduct may make a request under par.
20 (a) for a victim advocate to accompany him or her without the consent of his or her
21 parent, guardian, or legal custodian.

SECTION 6. Initial applicability.

22
23 (1) This act first applies to a victim of abusive conduct that occurs on the
24 effective date of this subsection.

25 (END)