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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2023 Senate Bill 516**

**Senate Amendment 1**

### 2023 SENATE BILL 516

2023 Senate Bill 516 requires all criminal and delinquency cases and juvenile dispositional hearings involving a victim or witness who is 60 years of age or older (elder person) to be expedited. The court and the district attorney must take appropriate action to ensure a speedy trial in order to minimize the length of time the elder person must endure the stress of the elder person's involvement in the proceeding. The bill also requires the court to consider and give weight to any adverse impact the delay or continuance may have on the well-being of a victim or witness who is an elder person when the court rules on any motion or other request for delay or continuance.

The bill also creates a specific process by which a testimony must be preserved and admissible as evidence in all criminal and delinquency cases and juvenile dispositional hearings involving a crime victim or witness who is an elder person. The bill specifies that in such cases, upon the motion of a district attorney to preserve the testimony of the crime victim or witness, **the court must conduct a hearing** within 60 days of the date that the motion was filed. The bill specifies all of the following apply with respect to such hearings to preserve testimony:

- The hearing must be before the court.
- The defendant must be present at the hearing.
- The crime victim or witness must be sworn as a witness and must be subject to cross-examination and rebuttal if doing so is not unduly repetitious.
- The witness may testify in person, or, upon a showing by the proponent of good cause as provided under current law, testimony may be received into the record of the hearing by telephone or live audiovisual means.
- The hearing must be recorded, and the recorded testimony of the witness must be admissible in evidence against the defendant in any court proceeding in the case.

### SENATE AMENDMENT 1

Senate Amendment 1 adds language to the bill to require the court to order a hearing to preserve testimony if the court finds good cause to do so.

Specifically, the amendment provides that in all criminal and delinquency cases and juvenile dispositional hearings involving a crime victim or witness who is an elder person, the district attorney may file a motion to preserve the testimony of the crime victim or witness. **If the court finds good cause to do so, the court must order a hearing** within 60 days of the date that the motion to preserve testimony was filed if the court finds good cause to do so.

## **BILL HISTORY**

Senator Testin offered Senate Amendment 1 to Senate Bill 516 on February 6, 2024. On February 8, 2024, the Senate Committee on Judiciary and Public Safety voted to recommend adoption of Senate Amendment 1 and passage of Senate Bill 516, as amended, both on votes of Ayes, 5; Noes, 2.

For a full history of the bill, visit the Legislature's [bill history page](#).

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