



## 2005 ASSEMBLY BILL 143

February 28, 2005 - Introduced by Representatives VAN ROY, KRAWCZYK, KERKMAN, BIES, OWENS, HINES, HAHN, VOS, PETROWSKI, HUNDERTMARK, ALBERS, TOWNSEND, GUNDERSON and OTT, cosponsored by Senators COWLES, A. LASEE, LASSA and WIRCH. Referred to Committee on Corrections and the Courts.

1     **AN ACT to amend** 972.15 (4); and **to create** 972.15 (4m) of the statutes; **relating**  
2           **to:** access to presentence investigation reports.

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### *Analysis by the Legislative Reference Bureau*

Currently, a court may order the Department of Corrections (DOC) to conduct a presentence investigation of a person who has been convicted of a felony to aid the court in determining an appropriate sentence. The court must disclose the contents of a presentence investigation report to the district attorney and the defendant's attorney before sentencing. If the defendant is not represented, the court must disclose the contents of the report to the defendant before sentencing. After sentencing, the report must be kept confidential, except that DOC may use or release the report for the purpose of correctional programming, and the court may authorize release.

This bill provides that the district attorney and the defendant's attorney are entitled to a copy of the presentence investigation report. A defendant who is not represented is also entitled to a copy of the report. The bill requires that any district attorney, defendant's attorney, or defendant who receives a copy of a presentence investigation report must keep the report confidential.

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

3           **SECTION 1.** 972.15 (4) of the statutes is amended to read:

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1 972.15 (4) ~~After Except as provided in sub. (4m) or (5), after sentencing, unless~~  
2 ~~otherwise authorized under sub. (5) or ordered by the court,~~ the presentence  
3 investigation report shall be confidential and shall not be made available to any  
4 person except upon specific authorization of the court.

5 **SECTION 2.** 972.15 (4m) of the statutes is created to read:

6 972.15 (4m) The district attorney and the defendant's attorney are entitled to  
7 have and keep a copy of the presentence investigation report. If the defendant is not  
8 represented by counsel, the defendant is entitled to have and keep a copy of the  
9 report. A district attorney, defendant's attorney, or defendant who receives a copy  
10 of the report shall keep it confidential.

11 (END)