

State of Misconsin 2007 - 2008 LEGISLATURE

2007 ASSEMBLY BILL 210

March 27, 2007 – Introduced by Representative KESSLER. Referred to Committee on Corrections and Courts.

1 AN ACT to amend 950.04 (1v) (g), 950.08 (2g) (c) and 972.14 (3) (b) of the statutes;

relating to: notice to a victim of the right to make a statement at sentencing

or disposition.

Analysis by the Legislative Reference Bureau

Under current law, a victim of a crime of which a person is convicted or any other crime to be considered by the court at sentencing has the right to make or provide a statement before the court imposes the sentence. Current law also requires the prosecutor to make a reasonable attempt to contact any known victim to inform him or her of that right.

This bill revises the prosecutor's obligation to provide a known victim notice of his or her right to make a statement with respect to the time at which that obligation must be met. Specifically, the bill eliminates the requirement that the notice be provided after a conviction. Thus, under the bill, the prosecutor may provide the victim notice of his or her right at any time during the proceedings.

For further information see the *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:

SECTION 1. 950.04 (1v) (g) of the statutes is amended to read:

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2007 – 2008 Legislature

ASSEMBLY BILL 210

1	950.04 (1v) (g) To have reasonable attempts made to notify the victim of
2	hearings or court proceedings, as provided under ss. 302.113 (9g) (g) 2., 302.114 (6),
3	938.27 (4m) and (6), 938.273 (2), and 971.095 (3) and 972.14 (3) (b).
4	SECTION 2. 950.08 (2g) (c) of the statutes is amended to read:
5	950.08 (2g) (c) The address and telephone number of the intake worker,
6	corporation counsel, or district attorney whom the victim may contact to obtain
7	information concerning the rights of victims and to request notice of court
8	proceedings under ss. s. 938.27 (4m) and or (6), 938.273 (2), 938.299 (1) (am) and
9	938.335 (3m) (b), or ss. 971.095 (3) and 972.14 (3) (b) , whichever is applicable, and
10	to request the opportunity to confer under ss. s. 938.245 (1m), 938.265 or, 938.32 (1)
11	(am), or s. 971.095 (2), whichever is applicable.
12	SECTION 3. 972.14 (3) (b) of the statutes is amended to read:
13	972.14 (3) (b) After a conviction, if <u>If</u> the district attorney knows of a victim of
14	a crime to be considered at sentencing, the district attorney shall make a reasonable <u>,</u>
15	timely attempt to contact that person to inform him or her of the right to make or
16	provide a statement under par. (a). Any failure to comply with this paragraph is not
17	a ground for an appeal of a judgment of conviction or for any court to reverse or modify
18	a judgment of conviction.
19	(END)

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