

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	<del>938.335 (3m) (b),</del> or <del>ss.</del> 971.095 (3) <del>and 972.14 (3) (b)</del> , 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	<b>SECTION 3.</b> 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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