

State of Wisconsin



2009 Senate Bill 617

Date of enactment: **April 21, 2010**

Date of publication*: **May 5, 2010**

2009 WISCONSIN ACT 210

AN ACT *to create* 905.16 of the statutes; **relating to:** creating a privilege for communications to veteran mentors.

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

SECTION 1. 905.16 of the statutes is created to read:
905.16 Communications to veteran mentors. (1)

DEFINITIONS. As used in this section:

(a) A communication is "confidential" if not intended to be disclosed to 3rd parties other than to those persons present to further the interests of the veteran or member or to persons reasonably necessary for the transmission of the communication.

(b) A "veteran mentor" is an individual who meets all of the following criteria:

1. Served on active duty in the U.S. armed forces or in forces incorporated in the U.S. armed forces, served in a reserve unit of the U.S. armed forces, or served in the national guard.

2. Has successfully completed a judicially approved veterans mentoring training program.

3. Has completed a background information form approved by a circuit court judge from a county that is participating in a veterans mentoring program.

4. Is on the list of persons authorized by a circuit court judge to provide assistance and advice in a veterans mentoring program.

(c) "Veteran or member" means an individual who is serving or has served on active duty in the U.S. armed forces or in forces incorporated in the U.S. armed forces,

in a reserve unit of the U.S. armed forces, or in the national guard.

(d) "Veterans mentoring program" is a program approved by a circuit court judge to provide assistance and advice to a veteran or member.

(2) GENERAL RULE OF PRIVILEGE. A veteran or member has a privilege to refuse to disclose and to prevent another from disclosing a confidential communication made by the veteran or member to a veteran mentor while the veteran mentor is acting within the scope of his or her duties under the veterans mentoring program.

(3) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the veteran or member, by the veteran's or member's guardian or conservator, or by the veteran's or member's personal representative if the veteran or member is deceased. The veteran mentor may claim the privilege on behalf of the veteran or member. The veteran mentor's authority to claim the privilege on behalf of the person is presumed in the absence of evidence to the contrary.

(4) EXCEPTION. There is no privilege under this section as to the following:

(a) A communication that indicates that the veteran or member plans or threatens to commit a crime or to seriously harm himself or herself.

(b) A communication that the veteran or member has agreed in writing to allow to be disclosed as a condition

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

of his or her participation in the veterans mentoring program.
