2001 SENATE BILL 92

March 15, 2001 – Introduced by Senators BURKE, GROBSCHMIDT, HUELSMAN, ROESSLER and ROSENZWEIG, cosponsored by Representatives HUBER, GRONEMUS, RICHARDS, STASKUNAS and STONE, by request of Wisconsin District Attorney's Association. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

1 AN ACT *to amend* 938.335 (3m) (b), 950.04 (1v) (g), 950.08 (2g) (c) and 972.14 (3)

2 (b) of the statutes; **relating to:** notice to a victim of the right to make a

3 statement at sentencing or disposition.

Analysis by the Legislative Reference Bureau

Under current law, a victim of a crime of which a defendant is convicted or any other crime to be considered by the court at sentencing has the right to make or provide a statement prior to the court imposing 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. Similarly, current law entitles a victim of a juvenile's delinquent act to make a statement prior to the court entering a dispositional order and requires the prosecutor to make a reasonable attempt after the court finds the juvenile delinquent or in need of protection or services to inform the victim of his or her right to make a statement.

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 or after the court finds a juvenile delinquent or in need of protection or services. 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:

1   **SECTION 1.** 938.335 (3m) (b) of the statutes is amended to read:

2   938.335 **(3m)** (b) ~~After a finding that a juvenile is delinquent under s. 938.12~~

3   ~~or is found to be in need of protection or services under s. 938.13 (12), the~~ The district

4   attorney or corporation counsel shall make a reasonable attempt to contact any

5   known victim to inform that person of the right to make a statement under par. (a).

6   Any failure to comply with this paragraph is not a ground for an appeal of a

7   dispositional order or for any court to reverse or modify a dispositional order.

8   **SECTION 2.** 950.04 (1v) (g) of the statutes is amended to read:

9   950.04 **(1v)** (g) To have reasonable attempts made to notify the victim of

10   hearings or court proceedings, as provided under ss. 938.27 (4m) and (6), 938.273 (2),

11   and 971.095 (3) ~~and 972.14 (3) (b)~~.

12   **SECTION 3.** 950.08 (2g) (c) of the statutes is amended to read:

13   950.08 **(2g)** (c) The address and telephone number of the intake worker,

14   corporation counsel, or district attorney whom the victim may contact to obtain

15   information concerning the rights of victims and to request notice of court

16   proceedings under ss. 938.27 (4m) and (6), 938.273 (2), and 938.299 (1) (am) ~~and~~

17   ~~938.335 (3m) (b) or ss.~~ or under s. 971.095 (3) ~~and 972.14 (3) (b)~~, whichever is

18   applicable, and to request the opportunity to confer under ~~ss.~~ s. 938.245 (1m),

19   938.265, or 938.32 (1) (am) or under s. 971.095 (2), whichever is applicable.

20   **SECTION 4.** 972.14 (3) (b) of the statutes is amended to read:

1   972.14 **(3)** (b) ~~After a conviction, if~~ <u>If</u> the district attorney knows of a victim of

2   a crime to be considered at sentencing, the district attorney shall make a reasonable

3   attempt to contact that person to inform him or her of the right to make or provide

4   a statement under par. (a). Any failure to comply with this paragraph is not a ground

5   for an appeal of a judgment of conviction or for any court to reverse or modify a

6   judgment of conviction.

7   **(END)**