



Select Victims' Rights – Wisconsin

USING THIS RESOURCE

This resource is intended to provide a base of knowledge regarding crime victims' rights in Wisconsin and promising practices to ensure compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in Wisconsin see the companion resource: *Law Enforcement-Based Victim Services in Wisconsin: Privacy, Privilege and Confidentiality*.

The following icons are used throughout this resource to highlight key moments for the user.



= Promising Practices: As used in this *Guide*, the “promising practices” indicator highlights procedures, methods or techniques, grounded in victim-centered and trauma-informed research and experience, that afford victims meaningful rights in the justice system.



= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.

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¹ This table of contents and index of rights provides specific page references for many of the victims’ rights laws contained within this *Guide*. The referenced laws are often narrower in scope than the broader rights identified in the index and may contain components of multiple core rights. Not all of the laws contained within this *Guide* are referenced in the table of contents and index; therefore, it is recommended that this document be reviewed in full.

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<p>SELECT DEFINITIONS</p>	<p>Wisconsin Statutes</p>
<p>Victims of Crime Constitutional Rights Definition of “Victim”.</p> <p>(a) In this section, notwithstanding any statutory right, privilege, or protection, “victim” means any of the following:</p> <ol style="list-style-type: none"> 1. A person against whom an act is committed that would constitute a crime if committed by a competent adult. 2. If the person under subd. 1. is deceased or is physically or emotionally unable to exercise his or her rights under this section, the person’s spouse, parent or legal guardian, sibling, child, person who resided with the deceased at the time of death, or other lawful representative. 3. If the person under subd. 1. is a minor, the person’s parent, legal guardian or custodian, or other lawful representative. 4. If the person under subd. 1. is adjudicated incompetent, the person’s legal guardian or other lawful representative. <p>(b) “Victim” does not include the accused or a person who the court finds would not act in the best interests of a victim who is deceased, incompetent, a minor, or physically or emotionally unable to exercise his or her rights under this section.</p> <p> This definition applies to Wisconsin’s constitutional victims’ rights provisions contained in Wis. Const. art I, § 9m. The provisions are included below in the section “Select Crime Victims’ Rights.”</p>	<p>Wis. Const. art. I, § 9m(1).</p>

<p>Rights of Victims and Witnesses of Crime Definitions.</p> <p>In this chapter:</p> <p>(1) Except in sub. (3), “child” means a person who is less than 18 years of age.</p> <p>(1m) “Crime” means an act committed in this state which, if committed by a competent adult, would constitute a crime, as defined in s. 939.12.</p> <p>(1t) “Custodial agency” means any person authorized to arrest or take into actual physical custody an individual who is alleged to have committed a crime. “Custodial agency” includes a law enforcement agency, a sheriff, superintendent or other keeper of a jail and a person authorized to take custody of a juvenile under s. 938.19 or 938.20 (4).</p> <p>(2) “Department” means the department of justice.</p> <p>(2m) “District attorney” means any of the following:</p> <p>(a) The district attorney or other person authorized to prosecute a criminal case or a delinquency proceeding under ch. 938.</p> <p>(b) A person designated by a person specified in par. (a) to perform the district attorney’s duties under this chapter.</p> <p>(3) “Family member” means spouse, minor child, adult child, sibling, parent, or legal guardian.</p> <p>(3m) “Law enforcement agency” has the meaning given in s. 165.83 (1)(b).</p> <p>(4)(a) “Victim” means any of the following:</p> <ol style="list-style-type: none"> 1. A person against whom a crime has been committed. 2. If the person specified in subd. 1. is a child, a parent, guardian or legal custodian of the child. 	<p>Wis. Stat. Ann. § 950.02.</p>
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3. If a person specified in subd. 1. is physically or emotionally unable to exercise the rights granted under s. 950.04 or article I, section 9m, of the Wisconsin constitution, a person designated by the person specified in subd. 1. or a family member of the person specified in subd. 1.

4. If a person specified in subd. 1. is deceased, any of the following:

- a. A family member of the person who is deceased.
- b. A person who resided with the person who is deceased.


5. If a person specified in subd. 1. has been adjudicated incompetent in this state, the guardian of the person appointed for him or her.


(b) "Victim" does not include the person charged with or alleged to have committed the crime.


(4g) "Victim advocate" has the meaning given in s. 905.045(1)(e).


(4m) "Victim and witness office" means an organization or program that provides services for which the county receives reimbursement under this chapter.



(5) "Witness" means any person who has been or is expected to be summoned to testify for the prosecution, or who by reason of having relevant information is subject to call or likely to be called as a witness for the prosecution, whether or not any action or proceeding has yet been commenced.



 These definitions apply to Wisconsin's victims' rights statutes, Wis. Stat. Ann. §§ 950.01 through 950.11. Many other statutes that touch upon victims' rights and interests also rely on definitions from this statutory provision. Where a statute relies on these definitions, it is noted below in the section "Select Crime Victims' Rights."


<p>Sex Offense Victims' Right to Not Be Subjected to a Lie Detector Test Definition.</p> <p>Definitions. In this section:</p> <p>(a) "Employer", notwithstanding s. 111.32(6), means any person acting directly or indirectly in the interest of an employer in relation to an employee or prospective employee. "Employer", notwithstanding s. 111.32(6), does not include the federal government.</p> <p>(b) "Lie detector" means a polygraph, deceptograph, voice stress analyzer, psychological stress evaluator or other similar device, whether mechanical or electrical, that is used, or the results of which are used, to render a diagnostic opinion about the honesty or dishonesty of an individual.</p> <p>(c) "Polygraph" means an instrument that fulfills all of the following requirements:</p> <ol style="list-style-type: none"> 1. Records continuously, visually, permanently and simultaneously any changes in cardiovascular, respiratory and electrodermal patterns as minimum instrumentation standards. 2. Is used, or the results of which are used, to render a diagnostic opinion about the honesty or dishonesty of an individual. <p> Wis. Stat. Ann. § 950.04(1v)(dL) and Wis. Stat. Ann. § 968.265 rely on the definition for "lie detector" in affording sex offense victims the right to not be subjected to a lie detector test. These statutory provisions are included below.</p>	<p>Wis. Stat. Ann. § 111.37(1).</p>
<p>Address Confidentiality Program Definitions.</p> <p>In this section:</p> <p>(a) "Abuse" means an act or threat of any of the following:</p> <ol style="list-style-type: none"> 1. Child abuse under ss. 813.122(1)(a) or 948.02 to 948.11. 	<p>Wis. Stat. Ann. § 165.68(1).</p>


<p>2. Domestic abuse, as defined in s. 813.12(1)(am).</p> <p>3. Sexual abuse, as defined in s. 103.10(1m)(b)6.</p> <p>4. Stalking under s. 940.32.</p> <p>5. Trafficking under s. 940.302.</p> <p>(b) “Actual address” means the residential street address, school address, or work address, or any portion thereof, of a program participant.</p> <p>(c) “Assigned address” means an address designated by the department and assigned to a program participant.</p> <p>(d) “Department” means the department of justice.</p> <p>(e) “Mail” means first class letters and flats delivered by the United States Postal Service, including priority, express, and certified mail. “Mail” does not include a package, parcel, periodical, or catalogue unless it is clearly identifiable as being sent by a state or local agency or unit of government or is clearly identifiable as containing a pharmaceutical or medical item.</p> <p>(f) “Program assistant” means an individual designated by the department to assist a program participant. The department may designate as a program assistant an employee of the department or of a state or local agency that provides counseling, assistance, or support services to victims, or an employee of or a volunteer for an organization that provides counseling, assistance, or support services free of charge to victims.</p> <p>(g) “Program participant” means a person who is certified by the department to participate in the confidentiality program established in this section.</p> <p> These definitions apply to Wis. Stat. Ann. § 165.68(2)–(7). This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	


<p>Department of Correction’s Obligation to Notify Certain Sex Offense Victims of Community Residential Confinement Definitions.</p> <p>In this subsection:</p> <ol style="list-style-type: none">1. “Member of the family” means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.2. “Victim” means a person against whom a crime has been committed. <p> These definitions apply to Wis. Stat. Ann. § 301.046(4)(b)–(f). This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Wis. Stat. Ann. § 301.046(4)(a).</p>
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<p>Department of Correction’s Obligation to Notify Victims of Revocation of Parole or Extended Supervision Definitions.</p> <p>In this section:</p> <p>(a) “Inmate” means the person who was convicted of an offense against the victim.</p> <p>(b) “Victim” has the meaning given in s. 950.02(4).</p> <p> These definitions apply to Wis. Stat. Ann. § 302.107. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Wis. Stat. Ann. § 302.107(1).</p>
<p>Department of Correction’s Obligation to Notify Victims of Release of or Extended Supervision for Felony Offenders Not Serving Life Sentences Definitions.</p> <p>(a) In this subsection:</p> <ol style="list-style-type: none"> 1. “Extraordinary health condition” means a condition afflicting a person, such as advanced age, infirmity, or disability of the person or a need for medical treatment or services not available within a correctional institution. 2. “Program review committee” means the committee at a correctional institution that reviews the security classifications, institution assignments, and correctional programming assignments of inmates confined in the institution. <p>...</p> <p>(g)1. In this paragraph, “victim” has the meaning given in s. 950.02(4).</p> <p> These definitions apply to Wis. Stat. Ann. § 302.113(9g). This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Wis. Stat. Ann. § 302.113(9g)(a), (g)1.</p>

<p>Department of Correction’s Obligation to Notify Victims of Leave for Qualified Inmates Definitions.</p> <p>In this subsection:</p> <ol style="list-style-type: none"> 1. “Member of the family” means spouse, child, sibling, parent or legal guardian. 2. “Victim” means a person against whom a crime has been committed. <p> These definitions apply to Wis. Stat. Ann. § 303.068(4m). This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Wis. Stat. Ann. § 303.068(4m)(a).</p>
<p>Parole Commission’s Obligations to Victims Definitions.</p> <p>In this subsection:</p> <ol style="list-style-type: none"> 1. “Member of the family” means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian. 2. “Victim” means a person against whom a crime has been committed. <p> These definitions apply to Wis. Stat. Ann. § 304.06(1). This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Wis. Stat. Ann. § 304.06(1)(a).</p>
<p>Court Rule Regarding Identification of Victims and Others in Criminal Appellate Briefing, Petitions for Review and Responses for Petitions for Review Definitions.</p> <p>In this section, “victim” means a natural person against whom a crime, other than a homicide,</p>	<p>Wis. Stat. Ann. § 809.86(3).</p>

<p>has been committed or alleged to have been committed in the appeal or proceeding. “Victim” does not include the person convicted of or alleged to have committed a crime at issue in the appeal or proceeding.</p> <p> This definition applies to Wis. Stat. Ann. § 809.86. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Domestic Abuse Restraining Orders and Injunctions Definitions.</p> <p>In this section:</p> <p>(ad) “Caregiver” means an individual who is a provider of in-home or community care to an individual through regular and direct contact.</p> <p>(ag) “Dating relationship” means a romantic or intimate social relationship between 2 adult individuals but “dating relationship” does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. A court shall determine if a dating relationship existed by considering the length of the relationship, the type of the relationship, and the frequency of the interaction between the adult individuals involved in the relationship.</p> <p>(am) “Domestic abuse” means any of the following engaged in by an adult family member or adult household member against another adult family member or adult household member, by an adult caregiver against an adult who is under the caregiver’s care, by an adult against his or her adult former spouse, by an adult against an adult with whom the individual has or had a dating relationship, or by an adult against an adult with whom the person has a child in common:</p> <ol style="list-style-type: none"> 1. Intentional infliction of physical pain, physical injury or illness. 2. Intentional impairment of physical condition. 3. A violation of s. 940.225(1), (2) or (3). 4. A violation of s. 940.32. 	<p>Wis. Stat. Ann. § 813.12(1).</p>


<p>5. A violation of s. 943.01, involving property that belongs to the individual.</p> <p>6. A threat to engage in the conduct under subd. 1., 2., 3., 4., or 5.</p> <p>(b) “Family member” means a spouse, a parent, a child or a person related by blood or adoption to another person.</p> <p>(c) “Household member” means a person currently or formerly residing in a place of abode with another person.</p> <p>(ce) “Household pet” means a domestic animal that is not a farm animal, as defined in s. 951.01(3), that is kept, owned, or cared for by the petitioner or by a family member or a household member of the petitioner.</p> <p>(cg) “Reasonable grounds” means more likely than not that a specific event has occurred or will occur.</p> <p>(cj) “Regular and direct contact” means face-to-face physical proximity to an individual that is planned, scheduled, expected, or periodic.</p> <p>(d) “Tribal court” means a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin.</p> <p>(e) “Tribal order or injunction” means a temporary restraining order or injunction issued by a tribal court under a tribal domestic abuse ordinance adopted in conformity with this section.</p> <p> These definitions apply to Wis. Stat. Ann § 813.12. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Child Abuse Restraining Orders and Injunctions Definitions.</p> <p>In this section:</p>	<p>Wis. Stat. Ann. § 813.122(1).</p>



<p>(a) “Abuse” has the meaning given in s. 48.02(1) (a) and (b) to (gm) and, in addition, includes a threat to engage in any conduct under s. 48.02 (1), other than conduct under s. 48.02 (1) (am).</p> <p>(b) “Child” means any person under 18 years of age.</p> <p>(c) “Child victim” means the child who is the victim or the alleged victim of abuse.</p> <p>(d) “Child victim advocate” means any person who counsels child victims, assists child victims in coping with the impact of the crime or otherwise acts in support of child victims.</p> <p>(e) “Household pet” means a domestic animal that is not a farm animal, as defined in s. 951.01(3), that is kept, owned, or cared for by a child victim or by a family member or a household member of a child victim.</p> <p> These definitions apply to Wis. Stat. Ann § 813.122. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Restraining Orders and Injunctions for Individuals at Risk Definitions.</p> <p>In this section:</p> <p>(a) “Abuse” has the meaning given in s. 46.90(1)(a).</p> <p>(ae) “Adult at risk” has the meaning given in s. 55.01(1e).</p> <p>(am) “Adult-at-risk agency” has the meaning given in s. 55.01(1f).</p> <p>(b) “Bodily harm” has the meaning given in s. 46.90(1)(aj).</p>	<p>Wis. Stat. Ann. § 813.123(1).</p>


- (br) “Caregiver” has the meaning given in s. 46.90(1)(an).
- (cg) “Elder adult at risk” has the meaning given in s. 46.90(1)(br).
- (d) “False representation” includes promise that is made with the intent not to fulfill the promise.
- (dm) “Financial exploitation” has the meaning given in s. 46.90(1)(ed).
- (e) “Great bodily harm” has the meaning given in s. 939.22(14).
- (eg) “Harassment” has the meaning given in s. 813.125(1)(am)4.
- (ek) “Household pet” means a domestic animal that is not a farm animal, as defined in s. 951.01(3), that is kept, owned, or cared for by an individual at risk or an elder adult at risk or by a family member or a household member of an individual at risk or an elder adult at risk.
- (ep) “Individual at risk” means an elder adult at risk or an adult at risk.
- (fm) “Mistreatment of an animal” means cruel treatment of any animal owned by or in service to an individual at risk.
- (g) “Neglect” has the meaning given in s. 46.90(1)(f).
- (gr) “Self-neglect” has the meaning given in s. 46.90(1)(g).
- (gs) “Stalking” means engaging in a course of conduct, as defined in s. 940.32(1)(a).






These definitions apply to Wis. Stat. Ann § 813.123. This statutory provision is included below in the section “Select Crime Victims’ Rights.”


<p>Harassment Restraining Orders and Injunctions Definitions.</p> <p>(am) In this section:</p> <p>3. “Elder person” means any individual who is 60 years of age or older.</p> <p>4. “Harassment” means any of the following:</p> <p>a. Striking, shoving, kicking or otherwise subjecting another person to physical contact; engaging in an act that would constitute abuse under s. 48.02(1), sexual assault under s. 940.225, or stalking under s. 940.32; or attempting or threatening to do the same.</p> <p>b. Engaging in a course of conduct or repeatedly committing acts which harass or intimidate another person and which serve no legitimate purpose.</p> <p>(bm) In subs. (3) and (4), “household pet” means a domestic animal that is not a farm animal, as defined in s. 951.01(3), that is kept, owned, or cared for by the petitioner or by a family member or a household member of the petitioner.</p> <p> These definitions apply to Wis. Stat. Ann § 813.125. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Wis. Stat. Ann. § 813.125(1).</p>
<p>Evidentiary Protections: Information Concerning Crime Victims Definitions.</p> <p>In this section:</p> <p>(a) “Crime” has the meaning described in s. 950.02(1m).</p> <p>(b) “Family member” has the meaning described in s. 950.02(3).</p> <p>(c) “Victim” has the meaning described in s. 950.02(4).</p>	<p>Wis. Stat. Ann. § 904.13(1).</p>



<p> These definitions depend upon Wis. Stat. § 950.02, which is included above in this section.</p> <p> These definitions apply to Wis. Stat. Ann § 904.13. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	
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<p>Domestic Violence or Sexual Assault Advocate-Victim Privilege Definitions.</p> <p>In this section:</p> <p>(a) “Abusive conduct” means abuse, as defined in s. 813.122(1)(a), of a child, as defined in s. 813.122(1)(b), interspousal battery, as described under s. 940.19 or 940.20(1m), domestic abuse, as defined in s. 813.12(1)(am), sexual exploitation by a therapist under s. 940.22, sexual assault under s. 940.225, human trafficking involving a commercial sex act under s. 940.302, or child sexual abuse under s. 948.02, 948.025, or 948.05 to 948.11.</p> <p>(c) A communication or information is “confidential” if not intended to be disclosed to 3rd persons other than persons present to further the interest of the person receiving counseling, assistance, or support services, persons reasonably necessary for the transmission of the communication or information, and persons who are participating in providing counseling, assistance, or support services under the direction of a victim advocate, including family members of the person receiving counseling, assistance, or support services and members of any group of individuals with whom the person receives counseling, assistance, or support services.</p> <p>(d) “Victim” means an individual who has been the subject of abusive conduct or who alleges that he or she has been the subject of abusive conduct. It is immaterial that the abusive conduct has not been reported to any government agency.</p> <p>(e) “Victim advocate” means an individual who is an employee of or a volunteer for an organization the purpose of which is to provide counseling, assistance, or support services free of charge to a victim.</p> <p> These definitions apply to Wis. Stat. Ann § 905.045. This evidentiary privilege is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Wis. Stat. Ann. § 905.045(1).</p>
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<p>Domestic Abuse Victims' Rights Definitions.</p> <p>In this section:</p> <p>(a) "Domestic abuse" means any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common:</p> <ol style="list-style-type: none"> 1. Intentional infliction of physical pain, physical injury or illness. 2. Intentional impairment of physical condition. 3. A violation of s. 940.225(1), (2) or (3). 4. A physical act that may cause the other person reasonably to fear imminent engagement in the conduct described under subd. 1, 2 or 3. <p>(b) "Law enforcement agency" has the meaning specified in s. 165.83(1)(b).</p> <p>(d) "Party" means a person involved in a domestic abuse incident.</p> <p>(e) "Predominant aggressor" means the most significant, but not necessarily the first, aggressor in a domestic abuse incident.</p> <p> These definitions apply to Wis. Stat. Ann. § 968.075. This statutory provision is included below in the section "Select Crime Victims' Rights."</p>	<p>Wis. Stat. Ann. § 968.075(1).</p>
<p>Testing for HIV Infection and Certain Communicable Diseases Definitions.</p> <p>In this section:</p> <p>(a) "Health care professional" means a physician or a registered nurse or licensed practical nurse who is licensed under ch. 441.</p>	<p>Wis. Stat. Ann. § 968.38(1).</p>





<p>(b) “HIV” means any strain of human immunodeficiency virus, which causes acquired immunodeficiency syndrome.</p> <p>(bc) “HIV test” has the meaning given in s. 252.01(2m).</p> <p>(bm) “Physician” has the meaning given in s. 448.01(5).</p> <p>(c) “Sexually transmitted disease” has the meaning given in s. 252.11(1).</p> <p>(d) “Significant exposure” has the meaning given in s. 252.15(1)(em).</p> <p> These definitions apply to Wis. Stat. Ann. § 968.38(2)–(4). These statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Child Victims’ Rights at a Preliminary Examination: Use of Audiovisual Recording Definition.</p> <p>In this subsection, “child” means a person who is younger than 16 years old when the preliminary examination commences.</p> <p> This definition applies to Wis. Stat. Ann. § 970.03(14)(b). This statutory provisions is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Wis. Stat. Ann. § 970.03(14)(a).</p>
<p>District Attorney’s Obligation to Provide Victims with Notice of an Order Authorizing Conditional Release of an Offender Committed to Institutional Care Upon Being Found Not Guilty by Reason of Mental Disease or Mental Defect Definitions.</p> <p>In this subsection:</p>	<p>Wis. Stat. Ann. § 971.17(4m)(a).</p>





<ol style="list-style-type: none">1. "Crime" has the meaning designated in s. 949.01(1).2. "Member of the family" means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.3. "Victim" means a person against whom a crime has been committed. <p> These definitions apply to Wis. Stat. Ann. § 971.17(4m). This statutory provision is included below in the section "Select Crime Victims' Rights."</p>	
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<p>District Attorney’s Obligation to Provide Victims with Notice of Orders of Termination or Discharge Relating to an Offender’s Commitment to Institutional Care Definitions.</p> <p>In this subsection:</p> <ol style="list-style-type: none"> 1. “Crime” has the meaning designated in s. 949.01(1). 2. “Member of the family” means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian. 3. “Victim” means a person against whom a crime has been committed. <p> These definitions apply to Wis. Stat. Ann. § 971.17(6m). This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Wis. Stat. Ann. § 971.17(6m).</p>
<p>Restitution Definitions.</p> <p>In this section:</p> <ol style="list-style-type: none"> (a) “Crime considered at sentencing” means any crime for which the defendant was convicted and any read-in crime. (b) “Read-in crime” means any crime that is uncharged or that is dismissed as part of a plea agreement, that the defendant agrees to be considered by the court at the time of sentencing and that the court considers at the time of sentencing the defendant for the crime for which the defendant was convicted. <p> These definitions apply to Wisconsin’s restitution statute, Wis. Stat. Ann. § 973.20(1r)–(15). This statute is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Wis. Stat. Ann. § 973.20(1g).</p>





<p>Department of Health Services' Obligation to Victims of Supervised Release or Discharge Definitions.</p> <p>In this section:</p> <p>(a) "Act of sexual violence" means an act or attempted act that is a basis for an allegation made in a petition under s. 980.02(2)(a).</p> <p>(b) "Member of the family" means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.</p> <p>(c) "Victim" means a person against whom an act of sexual violence has been committed.</p> <p> These definitions apply to § 980.11(2)–(4). These statutory provisions are included below in the section "Select Crime Victims' Rights."</p>	<p>Wis. Stat. Ann. § 980.11(1).</p>
<p>SELECT CRIME VICTIMS' RIGHTS</p>	<p>Wisconsin Constitutional and Statutory Provisions</p>
<p>Victims' Right to Be Treated with Fairness, Dignity, Respect, Courtesy, Sensitivity, and Fairness.</p> <p>[Victims have the right] [t]o be treated with dignity, respect, courtesy, sensitivity, and fairness.</p> <p> Wis. Const. art. I, § 9m(1) defines the term "victim" for the purposes of this provision. This definition is included above in the section "Select Definitions."</p>	<p>Wis. Const. art. I, § 9m(2)(a).</p>




<p> Wis. Stat. Ann. § 950.04(1v)(ag) also affords crime victims the right to be treated with fairness, dignity and respect for their privacy.</p>	
<p>Victims' Right to Privacy.</p> <p>[Victims have the right] [t]o privacy.</p> <p> Wis. Const. art. I, § 9m(1) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 950.04(1v)(ag) also affords crime victims the right to be treated with fairness, dignity and respect for their privacy.</p>	<p>Wis. Const. art. I, § 9m(2)(b).</p>
<p>Victims' Right to Proceedings Free from Unreasonable Delay.</p> <p>[Victims have the right] [t]o proceedings free from unreasonable delay.</p> <p> Wis. Const. art. I, § 9m(1) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Wis. Const. art. I, § 9m(2)(d) provides victims with the right to a timely disposition of the case. Wis. Stat. Ann. § 950.04(1v)(ar) affords crime victims the right to have courts consider victims' interests when deciding whether to grant a continuance. Wis. Stat. Ann. § 950.04(1v)(k) affords crime victims the right to a speedy disposition. Wis. Stat. Ann. § 971.105 requires the court and the district attorney to take appropriate action to ensure a speedy trial to minimize stress for child-victims and witnesses. These provisions are included below.</p>	<p>Wis. Const. art. I, § 9m(2)(c).</p>






<p>Victims' Right to Timely Disposition of the Case, Free from Unreasonable Delay.</p> <p>[Victims have the right] [t]o timely disposition of the case, free from unreasonable delay.</p> <p> Wis. Const. art. I, § 9m(1) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Wis. Const. art. I, § 9m(2)(c) provides victims with the right to proceedings free from unreasonable delay. Wis. Stat. Ann. § 950.04(1v)(ar) affords crime victims the right to have courts consider victims’ interests when deciding whether to grant a continuance. Wis. Stat. Ann. § 950.04(1v)(k) affords crime victims the right to a speedy disposition. Wis. Stat. Ann. § 971.105 requires the court and the district attorney to take appropriate action to ensure a speedy trial to minimize stress for child-victims and witnesses. These provisions are included above and below.</p>	<p>Wis. Const. art. I, § 9m(2)(d).</p>
<p>Victims' Right, Upon Request, to Attend All Proceedings Involving the Case.</p> <p>[Victims have the right,] [u]pon request, to attend all proceedings involving the case.</p> <p> Wis. Const. art. I, § 9m(1) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 950.04(1v)(b) also affords victims the right to attend court proceedings, subject to certain statutory limitations. This statutory provision is included below.</p>	<p>Wis. Const. art. I, § 9m(2)(e).</p>





<p> A victim’s constitutional and statutory right to be present should provide for the victim’s presence during the entirety of the trial. Even if the victim is to be a witness and the court concludes that the victim’s testimony would be materially altered or affected if the victim hears other testimony, consider discussing with the prosecutor the possibility of the victim testifying first to best ensure the victim’s right to be present during the entirety of the trial.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Victims’ Right to Protection.</p> <p>[Victims have the right] [t]o reasonable protection from the accused throughout the criminal and juvenile justice process.</p> <p> Wis. Const. art. I, § 9m(1) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	<p>Wis. Const. art. I, § 9m(2)(f).</p>
<p>Victims’ Right to Reasonable and Timely Notice.</p> <p>[Victims have the right,] [u]pon request, to reasonable and timely notification of proceedings.</p> <p> Wis. Const. art. I, § 9m(1) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	<p>Wis. Const. art. I, § 9m(2)(g).</p>




<p> Wisconsin law affords victims a number of specific notification rights regarding certain proceedings and changes in an offender’s status. Many of these statutory provisions are included below.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Victims’ Right to Confer with the Prosecution.</p> <p>[Victims have the right,] [u]pon request, to confer with the attorney for the government.</p> <p> Wis. Const. art. I, § 9m(1) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 950.04(1v)(j) also provides victims the right to confer with the prosecution, and Wis. Stat. Ann. § 971.095(2) addresses a victim’s right to confer with the district attorney as soon as practicable after a defendant is charged with a crime. Wis. Stat. Ann. § 950.04(1v)(i) addresses a victim’s right to confer with intake workers, district attorneys and corporation counsel in juvenile justice cases. These statutory provisions appear below.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should</p>	<p>Wis. Const. art. I, § 9m(2)(h).</p>





<p>carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>Victims’ Right to Be Heard.</p> <p>[Victims have the right,] [u]pon request, to be heard in any proceeding during which a right of the victim is implicated, including release, plea, sentencing, disposition, parole, revocation, expungement, or pardon.</p> <p> Wis. Const. art. I, § 9m(1) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 950.04(1v)(m) affords victims the right to provide statements concerning sentencing, disposition, or parole. This statutory provision is included below.</p> <p> A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction’s law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	<p>Wis. Const. art. I, § 9m(2)(i).</p>
<p>Victims’ Right to Have Information Relating to the Effects of the Offense on Them Considered.</p>	<p>Wis. Const. art. I, § 9m(2)(j).</p>


<p>[Victims have the right] [t]o have information pertaining to the economic, physical, and psychological effect upon the victim of the offense submitted to the authority with jurisdiction over the case and to have that information considered by that authority.</p> <p> Wis. Const. art. I, § 9m(1) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	
<p>Victims’ Right to Timely Notice of the Accused’s Release or Escape.</p> <p>[Victims have the right,] [u]pon request, to timely notice of any release or escape of the accused or death of the accused if the accused is in custody or on supervision at the time of death.</p> <p> Wis. Const. art. I, § 9m(1) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	<p>Wis. Const. art. I, § 9m(2)(k).</p>
<p>Victims’ Right to Refuse an Interview, Deposition or Other Discovery Request.</p> <p>[Victims have the right] [t]o refuse an interview, deposition, or other discovery request made by the accused or any person acting on behalf of the accused.</p>	<p>Wis. Const. art. I, § 9m(2)(L).</p>





<p> Wis. Const. art. I, § 9m(1) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	
<p>Victims’ Right to Restitution.</p> <p>[Victims have the right] [t]o full restitution from any person who has been ordered to pay restitution to the victim and to be provided with assistance in collecting restitution.</p> <p> Wis. Const. art. I, § 9m(1) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 950.04(1v)(q) affords victims the right to restitution, as provided under Wis. Stat. Ann. §§ 938.245 (2)(a)5, 938.32(1t), 938.34(5), 938.345, 943.212, 943.23(6), 943.245, 943.51 and 973.20. Relevant portions from some of these statutory provisions are included below.</p> <p> A promising practice, when informing victims about their right to restitution, is to notify victims that they should collect and organize all documentation relating to their losses. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	<p>Wis. Const. art. I, § 9m(2)(m).</p>
<p>Victims’ Right to Compensation.</p> <p>[Victims have the right] [t]o compensation as provided by law.</p> <p> Wis. Const. art. I, § 9m(1) defines the term “victim” for the purposes of this provision.</p>	<p>Wis. Const. art. I, § 9m(2)(n).</p>




<p>This definition is included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 950.04(1v)(rm) affords crime victims the right to compensation under Wis. Stat. Ann. §§ 949.001 to 949.18. Section § 950.04(1v)(rm) is included below, but other compensation-related statutory provisions are not.</p>	
<p>Victims’ Right to Information About Case Status.</p> <p>[Victims have the right,] [u]pon request, to reasonable and timely information about the status of the investigation and the outcome of the case.</p> <p> Wis. Const. art. I, § 9m(1) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 950.04(1v)(zm) affords crime victims the right to request information from a district attorney concerning the disposition of a case; and Wis. Stat. Ann. § 971.095(6) provides that the district attorney must make a reasonable attempt to provide victims with information regarding the disposition of a case, where the victim requests such information. These statutory provisions are included below.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	<p>Wis. Const. art. I, § 9m(2)(o).</p>
<p>Victims’ Right to Timely Notice of Their Rights, Privileges and Protections.</p>	<p>Wis. Const. art. I, § 9m(2)(p).</p>

<p>[Victims have the right] [t]o timely notice about all rights under this section and all other rights, privileges, or protections of the victim provided by law, including how such rights, privileges, or protections are enforced.</p> <p> Wis. Const. art. I, § 9m(1) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure to ensure that victims are informed of their rights, privileges and protections as soon as possible. Consideration should be given to providing written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Victims’ Constitutional Rights as Self Executing.</p> <p>Except as provided under sub. (2) (n), all provisions of this section are self-executing. The legislature may prescribe further remedies for the violation of this section and further procedures for compliance with and enforcement of this section.</p> <p> Wis. Const. art. I, § 9m(1) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	<p>Wis. Const. art. I, § 9m(3).</p>
<p>Victims’ Right to Assert and Enforce Rights.</p> <p>(a) In addition to any other available enforcement of rights or remedy for a violation of this section or of other rights, privileges, or protections provided by law, the victim, the victim’s attorney or other lawful representative, or the attorney for the government upon request of the victim may assert and seek in any circuit court or before any other authority of competent</p>	<p>Wis. Const. art. I, § 9m(4).</p>


<p>jurisdiction, enforcement of the rights in this section and any other right, privilege, or protection afforded to the victim by law. The court or other authority with jurisdiction over the case shall act promptly on such a request and afford a remedy for the violation of any right of the victim. The court or other authority with jurisdiction over the case shall clearly state on the record the reasons for any decision regarding the disposition of a victim’s right and shall provide those reasons to the victim or the victim’s attorney or other lawful representative.</p> <p>(b) Victims may obtain review of all adverse decisions concerning their rights as victims by courts or other authorities with jurisdiction under par. (a) by filing petitions for supervisory writ in the court of appeals and supreme court.</p> <p> Wis. Const. art. I, § 9m(1) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 950.105 also recognizes victims standing to assert their rights. This provision is included below.</p> <p> A promising practice is to notify victims as soon as possible that they have standing to enforce their rights in court and to let them know that they may do so personally or with the assistance of an independent attorney or the prosecution. This notice should include an explanation of the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>No Cause of Action for Damages Against the State.</p>	<p>Wis. Const. art. I, § 9m(5).</p>


<p>This section does not create any cause of action for damages against the state; any political subdivision of the state; any officer, employee, or agent of the state or a political subdivision of the state acting in his or her official capacity; or any officer, employee, or agent of the courts acting in his or her official capacity.</p>	
<p>Victims' Rights Do Not Limit Defendants' Legal Rights or Afford Party Status to Victims.</p> <p>This section is not intended and may not be interpreted to supersede a defendant's federal constitutional rights or to afford party status in a proceeding to any victim.</p> <p> Wis. Const. art. I, § 9m(1) defines the term "victim" for the purposes of this provision. This definition is included above in the section "Select Definitions."</p>	<p>Wis. Const. art. I, § 9m(6).</p>
<p>Rights of Victims and Witnesses of Crime: Legislative Intent.</p> <p>In recognition of the civic and moral duty of victims and witnesses of crime to fully and voluntarily cooperate with law enforcement and prosecutorial agencies, and in further recognition of the continuing importance of such citizen cooperation to state and local law enforcement efforts and the general effectiveness and well-being of the criminal justice system of this state, the legislature declares its intent, in this chapter, to ensure that all victims and witnesses of crime are treated with dignity, respect, courtesy and sensitivity; and that the rights extended in this chapter to victims and witnesses of crime are honored and protected by law enforcement agencies, prosecutors and judges in a manner no less vigorous than the protections afforded criminal defendants. This chapter does not prohibit a public official, employee, or agency from sharing information with victim service organizations that are eligible to receive grants under s. 49.165(2) or 165.93(2). Nothing in this chapter shall be construed to impair the exercise of prosecutorial discretion.</p>	<p>Wis. Stat. Ann. § 950.01.</p>


<p>Victims' Statutory Rights and Eligibility for Services Depend Upon Crime Having Been Reported to Law Enforcement.</p> <p>A victim has the rights and is eligible for the services under [Wis. Stat. Ann., Crimes, Ch. 950] only if the crime has been reported to law enforcement authorities.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that their eligibility for services depends upon the crime being reported to law enforcement.</p>	<p>Wis. Stat. Ann. § 950.03.</p>
<p>Victims' Right to be Treated with Fairness, Dignity and Respect for Their Privacy.</p> <p>Victims of crimes have the following right[]: . . . [t]o be treated with fairness, dignity, and respect for his or her privacy by public officials, employees, or agencies. This paragraph does not impair the right or duty of a public official or employee to conduct his or her official duties reasonably and in good faith.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> Wis. Const. art. I, § 9m(2)(a) also affords victims the right to be treated with fairness, dignity, courtesy, sensitivity, and fairness. Wis. Const. art. I, § 9m(2)(b) affords victims the right to privacy. These provisions are included above.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(ag).</p>


<p>Victims' Right to Have Courts Consider Their Interests When Deciding Whether to Grant a Continuance.</p> <p>Victims of crimes have the following right[]: . . . [t]o have his or her interest considered when the court is deciding whether to grant a continuance in the case, as provided under ss. 938.315 (2) and 971.10 (3)(b)3.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 950.04(1v)(k) affords crime victims the right to a speedy disposition of a case. Wis. Stat. Ann. § 938.315(2) authorizes courts to grant a continuance upon a showing of good cause, taking into account, <i>inter alia</i>, victims’ interest in the prompt disposition of cases. Wis. Stat. Ann. § 971.10(3)(b)(3) authorizes courts to grant a continuance if doing so serves the ends of justice in a manner that outweighs the public and defendant’s interest in a speedy trial and requires courts to consider, <i>inter alia</i>, victims’ interests. Some of these statutory provisions are included below.</p> <p> Wis. Const. art. I, § 9m(2)(c) grants victims the right “[t]o proceedings free from unreasonable delay” and Wis. Const. art. I, § 9m(2)(d) grants victims the right “[t]o timely disposition of the case, free from unreasonable delay.” These provisions are included above.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(ar).</p>
<p>Victims' Right to be Present at Court Proceedings.</p> <p>Victims of crimes have the following right[]: . . . [t]o attend court proceedings in the case, subject to ss. 906.15 and 938.299 (1). The court may require the victim to exercise his or her right under this paragraph using telephone or live audiovisual means, if available, if the victim is under arrest, incarcerated, imprisoned or otherwise detained by any law enforcement agency or is admitted or committed on an inpatient basis to a treatment facility under ch. 51,971 or 980, and the victim does not have a person specified in s. 950.02 (4)(a)3.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(b).</p>


to exercise the victim’s right under this paragraph.





 Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”






 Wis. Stat. Ann. § 906.15(2)(d) addresses the exclusion of witnesses and does not authorize the exclusion of a victim unless the court finds that exclusion is “necessary to provide a fair trial for the defendant or a fair fact-finding hearing for the juvenile. The presence of a victim during the testimony of other witnesses may not by itself be a basis for a finding that exclusion of the victim is necessary to provide a fair trial for the defendant or a fair fact-finding hearing for the juvenile.”




 Wis. Const. art. I, § 9m(2)(e) grants victims the right, “[u]pon request, to attend all proceedings involving the case.” This provision is included above.






 Wis. Stat. Ann. § 938.299(1) concerns victim presence at juvenile justice proceedings. Under § 938.299(1)(am), a victim may attend any hearing, but may be excluded “from any portion of a hearing that deals with sensitive personal matters of the juvenile or the juvenile’s family and that does not directly relate to the act or alleged act committed against the victim. A member of the victim’s family, and at the request of the victim, a representative of an organization providing support services to the victim, may attend the hearing[.]”





 A victim’s constitutional and statutory right to be present should provide for the victim’s presence during the entirety of the trial. Even if the victim is to be a witness and the court concludes that the victim’s testimony would be materially altered or affected if the victim hears other testimony, consider discussing with the prosecutor the possibility of the victim testifying first to best ensure the victim’s right to be present during the entirety of the trial.





<p>Victims' Right to Employer Intercession Services.</p> <p>Victims of crimes have the following right[]: . . . [t]o be provided with appropriate intercession services to ensure that employers of victims will cooperate with the criminal justice process and the juvenile justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights and to have a policy and procedure in place to provide employers with this information.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(bm).</p>
<p>Victims' Right to Be Accompanied by a Service Representative.</p> <p>Victims of crimes have the following right[]: . . . [t]o be accompanied by a service representative, as provided under s. 895.45.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> Wis. Stat. Ann. § 895.45 affords victims of "adult abusive conduct" the right to be accompanied by a service representative when attending hearings, depositions, and court proceedings, whether criminal or civil, and related interviews and depositions.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(c).</p>
<p>Victims' Right to Request and Receive Results of Testing to Determine the Presence of HIV and Other Communicable Diseases.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(d).</p>




<p>Victims of crimes have the following right[]: . . . [t]o request an order for, and to be given the results of, testing to determine the presence of a communicable disease, as provided under ss. 938.296 or 968.38.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 968.38 addresses such testing in criminal cases. This statutory provision is included below.</p>	
<p>Sex Offense Victims’ Right to Not Be Subjected to a Lie Detector Test.</p> <p>Victims of crimes have the following right[]: . . . [t]o not be the subject of a law enforcement officer’s or district attorney’s order, request, or suggestion that he or she submit to a test using a lie detector, as defined in s. 111.37(1)(b), if he or she claims to have been the victim of a sexual assault under s. 940.22(2), 940.225, 948.02(1) or (2), or 948.085, except as permitted under s. 968.265.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. Wis. Stat. Ann. § 111.37(1)(b) defines “lie detector” for the purposes of this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 968.265 also prohibits the use of lie detector tests on sex offense victims. This statutory provision is included below.</p> <p> A promising practice is to ensure that officers who work with victims of sexual offenses are aware that victims cannot be subjected to truth-telling examinations.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(dL).</p>







<p>Victims' Right to Be Informed About Process of Filing a Complaint and of an Inquest.</p> <p>Victims of crimes have the following right[]: . . . [t]o be informed about the process by which he or she may file a complaint under s. 968.02 or 968.26(2) and about the process of an inquest under s. 979.05 if he or she is the victim of an officer-involved death, as defined in s. 175.47(1)(c).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 968.02 authorizes the filing of a complaint to commence criminal proceedings where the district attorney refuses or is unavailable to issue a complaint. Wis. Stat. Ann. § 968.26(2) addresses John Doe proceedings, which, <i>inter alia</i>, allow someone other than the district attorney to bring a complaint to the court. Wis. Stat. Ann. § 979.05 addresses inquest procedure, and Wis. Stat. Ann. § 175.47(1)(c) addresses the review of officer-involved deaths.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(do).</p>
<p>Victims' Right to Nondisclosure of Personal Identifiers.</p> <p>Victims of crimes have the following right[]: . . . [t]o not have his or her personal identifiers, as defined in s. 85.103(1) and including an electronic mail address, used or disclosed by a public official, employee, or agency for a purpose that is unrelated to the official responsibilities of the official, employee, or agency.</p> <p> Wis. Stat. Ann. § 950.02 defines the other terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wis. Stat. Ann. § 950.04(1v)(dr).</p>





<p> Wis. Stat. Ann. § 85.103(1) defines personal identifier as “a name, social security number, telephone number, street address, post-office box number or 9-digit extended zip code.”</p> <p> Wis. Const. art. I, § 9m(2)(b) guarantees victims the right to privacy. This provision is included above.</p>	
<p>Victims’ Right to a Separate Waiting Area.</p> <p>Victims of crimes have the following right[]: . . . [t]o be provided a waiting area under ss. 938.2965 and 967.10.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Under Wis. Stat. Ann. § 967.10, the county must provide a separate waiting area for victims to use during court proceedings, if there is an area available and use of this area is practical, or otherwise minimize contact between victims and defendants. This statutory provision is included below. Wis. Stat. Ann. § 938.2965 provides similar requirements within the juvenile justice system.</p> <p> Although this law is directed at court proceedings, the same concept can and should be applied to law enforcement agencies when interacting with victims, victims’ families, victims’ witnesses and the defendant, the defendants’ families and defense witnesses.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(e).</p>
<p>Victims’ Right to Have Courts Consider Their Interests When Deciding Whether to Exclude Persons from a Preliminary Hearing.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(em).</p>





<p>Victims of crimes have the following right[]: . . . [t]o have his or her interests considered by the court in determining whether to exclude persons from a preliminary hearing, as provided under s. 970.03 (4).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 970.03(4) provides that when a defendant is accused of certain sex offenses, the court may exclude from the hearing all persons who are not officers of the court, members of the victim’s or defendant’s families, support persons and others required to attend. When making this decision, the court may consider the need to protect the victim from “undue embarrassment and emotional trauma.” This statutory provision is included below.</p>	
<p>Victims’ Right to Refuse Pretrial Defense Interviews and Depositions.</p> <p>Victims of crimes have the following right[]: . . . [t]o not be compelled to submit to a pretrial interview or deposition by a defendant or his or her attorney as provided under s. 971.23(6c).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 971.23(6c) provides that “[e]xcept as provided in s. 967.04, the defendant or his or her attorney may not compel a victim of a crime to submit to a pretrial interview or deposition.” Wis. Stat. Ann. § 967.04 addresses depositions in criminal proceedings. These statutory provisions are included below.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(er).</p>





<p>Victims' Right to Notice of Parole Applications.</p> <p>Victims of crimes have the following right[]: . . . [t]o have the parole commission make a reasonable attempt to notify the victim of applications for parole, as provided under s. 304.06(1).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 304.06(1) details the parole board’s responsibilities with respect to providing notice to victims. Relevant portions of this statutory provision are included below.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(f).</p>
<p>Victims' Right to Notice of Hearings and Court Proceedings.</p> <p>Victims of crimes have the following right[]: . . . [t]o have reasonable attempts made to notify the victim of hearings or court proceedings, as provided under ss. 302.113(9g)(g)2., 302.114(6), 938.27(4m) and (6), 938.273(2), 971.095(3) and 972.14(3)(b).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 302.113(9g)(g)(2) addresses a victim’s right to notice of an inmate’s petition for modification of a bifurcated sentence and related proceedings; Wis. Stat. Ann. § 302.114(6) addresses a victim’s right to notice of an inmate’s petition for release to extended supervision; Wis. Stat. Ann. § 938.27(4m) and (6) and Wis. Stat. Ann. § 938.273(2) addresses a victim’s right to notice of hearings related to a juvenile offender; Wis. Stat. Ann. § 971.095(3) addresses a victim’s right to notice of criminal court proceedings; and Wis. Stat. Ann. § 972.14(3)(b) addresses a victim’s right to make a statement at criminal sentencing proceedings. Relevant portions of some of these statutes</p>	<p>Wis. Stat. Ann. § 950.04(1v)(g).</p>





<p>are included below.</p> <p> Wis. Const. art. I, § 9m(2)(g) affords victims the right to timely notification of proceedings. This provision is included above.</p>	
<p>Victims' Right to Notice of Petitions for Sentence Adjustment.</p> <p>Victims of crimes have the following right[]: . . . [t]o have reasonable attempts made to notify the victim of petitions for sentence adjustment as provided under s. 973.09(3m), 973.195(1r)(d), or 973.198.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> Wis. Stat. Ann. § 973.09(3m) addresses a victim's right to notice of a petition to modify an offender's probation and discharge them from probation; Wis. Stat. Ann. § 973.195(1r)(d) addresses a victim's right to notice of an inmate's petition to adjust a sentence related to certain sex offenses; and Wis. Stat. Ann. § 973.198 addresses an inmate's petition for sentence adjustment related to a bifurcated sentence. Relevant portions of some of these statutes are included below.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(gm).</p>
<p>Victims' Right to Confer with Intake Workers, District Attorneys and Corporation Counsel Regarding Juvenile Delinquent.</p> <p>Victims of crimes have the following right[]: . . . [t]o have, at his or her request, the opportunity to consult with intake workers, district attorneys and corporation counsel in cases under ch. 938, as provided under ss. 938.245 (1m), 938.265 and 938.32 (1)(am).</p>	<p>Wis. Stat. Ann. § 950.04(1v)(i).</p>





<p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Const. art. I, § 9m(2)(h) affords victims the right to confer with the prosecutor. This provision is included above.</p> <p> Wis. Stat. Ann. § 938.245(1m) addresses a victim’s right to confer with an intake worker regarding a proposed deferred prosecution agreement with a juvenile; Wis. Stat. Ann. § 938.265 addresses a victim’s right to confer with the district attorney or corporation counsel “as soon as practicable but before the plea hearing”; and Wis. Stat. Ann. § 938.32(1)(am) addresses a victim’s right to confer with the district attorney or corporation counsel prior to agreeing to a consent decree.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>Victims’ Right to Confer with the Prosecution in a Criminal Case.</p> <p>Victims of crimes have the following right[]: . . . [t]o have, at his or her request, the opportunity to consult with the prosecution in a case brought in a court of criminal jurisdiction, as provided under s. 971.095 (2).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 971.095(2) addresses a victim’s right to confer with the district attorney “as soon as practicable” after a defendant is charged with a crime. A victim must</p>	<p>Wis. Stat. Ann. § 950.04(1v)(j).</p>




<p>request the opportunity to confer to exercise this right. This statutory provision is included below.</p> <p> Wis. Const. art. I, § 9m(2)(h) affords victims the right to confer with the prosecutor. This provision is included above.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>Victims’ Right to a Speedy Disposition.</p> <p>Victims of crimes have the following right[]: . . . [t]o a speedy disposition of the case in which they are involved as a victim in order to minimize the length of time they must endure the stress of their responsibilities in connection with the matter.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Const. art. I, § 9m(2)(d) guarantees victims the right “[t]o timely disposition of the case, free from unreasonable delay.” This provision is included above.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(k).</p>
<p>Victims’ Right to Notice Regarding Their Right to Make a Statement in Certain Proceedings.</p> <p>Victims of crimes have the following right[]: . . . [t]o have the district attorney or corporation counsel, whichever is applicable, make a reasonable attempt to contact the victim concerning the victim’s right to make a statement, as provided under ss. 938.32 (1)(b)2., 938.335</p>	<p>Wis. Stat. Ann. § 950.04(1v)(L).</p>





<p>(3m)(b) and 972.14 (3)(b).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 938.32(1)(b)(2) provides that, before entering into a consent decree with a juvenile delinquent, the district attorney or corporation counsel must make a reasonable attempt to contact the victim and inform them of their right to make a statement at the consent decree hearing. Wis. Stat. Ann. § 938.335(3m)(b) requires the district attorney or corporation to make a reasonable attempt to contact the victim and inform them of their right to make a statement at a juvenile dispositional hearing. Wis. Stat. Ann. § 972.14(3)(b) provides that, after a conviction, the district attorney must make a reasonable attempt to contact the victim to inform them of their right to speak at sentencing. Relevant portions of § 972.14 are included below.</p> <p> Wis. Const. art. I, § 9m(2)(i) guarantees victims the right, “[u]pon request, to be heard in any proceeding during which a right of the victim is implicated, including release, plea, sentencing, disposition, parole, revocation, expungement, or pardon.” This provision is included above.</p> <p> A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt” to contact the victim.</p>	
<p>Victims’ Right to Provide Statements Regarding Sentencing, Disposition and Parole.</p> <p>Victims of crimes have the following right[]: . . . [t]o provide statements concerning sentencing, disposition, or parole, as provided under ss. 304.06(1)(e), 938.32(1)(b) 1g., 938.335(3m)(ag), and 972.14(3)(a).</p>	<p>Wis. Stat. Ann. § 950.04(1v)(m).</p>







<p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 304.06(1)(e) requires the parole commission to consider a victim’s timely written statement. Wis. Stat. Ann. § 938.32(1)(b)(1g) addresses a victim’s right to submit a written statement prior to or at a juvenile’s consent decree proceeding. Wis. Stat. Ann. § 938.335(3m)(ag) addresses a victim’s right to submit a written statement prior to imposition of a disposition in a juvenile adjudication. Wis. Stat. Ann. § 972.14(3)(a) requires the court to determine, prior to sentencing, whether a victim wants to make a statement and, if the victim does, the court must allow the victim to make the statement in court or to submit a written statement to be read in court. Relevant portions of some of these statutory provisions are included below.</p>	
<p>Victims’ Right to Have Direct Input in the Parole Decision-Making Process.</p> <p>Victims of crimes have the following right[]: . . . [t]o have direct input in the parole decision-making process, as provided by the rules promulgated under s. 304.06 (1)(em).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Under Wis. Stat. Ann. § 304.06(1)(em), the parole commission is required to promulgate rules that provide a procedure to allow any person who is a victim, or the family member of a victim, of certain crimes—including homicide, murder, sexual assault and child sex offenses—to have direct input in the decision-making process for parole. This statutory provision is included below.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(n).</p>
<p>Victims’ Right to Attend Parole Interviews or Hearings and Make Statements.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(nn).</p>





<p>Victims of crimes have the following right[]: [t]o attend parole interviews or hearings and make statements as provided under s. 304.06(1)(eg).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 304.06(1)(eg) requires the parole commission to allow a victim, or specified family members of a deceased victim, to make a statement at any interview or hearing on an inmate’s application for parole. This statutory provision is included below.</p>	
<p>Victims’ Right to Attend and Be Heard at Hearing Regarding Modification of a Bifurcated Sentence.</p> <p>Victims of crimes have the following right[]: . . . [t]o attend a hearing on a petition for modification of a bifurcated sentence and provide a statement concerning modification of the bifurcated sentence, as provided under s. 302.113(9g)(d).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 302.113(9g)(d) affords victims the rights to notice of, to be present at, and to provide a statement at a hearing on an inmate’s petition for modification of a bifurcated sentence. This statutory provision is included below.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(nt).</p>
<p>Victims’ Right to Attend and Be Heard at Hearing Regarding Probation Modification.</p> <p>Victims of crimes have the following right[]: . . . [t]o attend a hearing on a petition for</p>	<p>Wis. Stat. Ann. § 950.04(1v)(nx).</p>






<p>modification of a term of probation under s. 973.09(3)(d) and provide a statement to the court concerning modification of the term of probation as provided under s. 973.09(3m).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 973.09(3)(d) lists the requirements that a probationer must meet before the court can modify probation; those requirements include fulfilling all financial obligations to any victims. Wis. Stat. Ann. § 973.09(3m) addresses a victim’s rights to notice of a probation hearing and to provide a statement at the hearing. These statutory provisions are included below.</p>	
<p>Victims’ Right to Have Information Regarding the Impact of a Delinquent Act Included in the Court Report and to Have the Person Preparing the Report Contact the Victim.</p> <p>Victims of crimes have the following right[]: . . . [t]o have information concerning the impact of a delinquent act on the victim included in a court report under s. 938.33 and to have the person preparing the court report attempt to contact the victim, as provided under s. 938.331.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 938.33 addresses court reports in the juvenile justice system and § 938.331 requires that where a delinquent act would constitute a felony if committed by an adult, the person preparing the court report must attempt to determine the economic, physical and psychological effect of the delinquent act on the victim.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(o).</p>





<p>Victims' Right to Provide Input Regarding Presentence Investigation and to View the Sentence Recommendation and Any Victim Information Included in the Report.</p> <p>Victims of crimes have the following right[]: . . . [t]o have the person preparing a presentence investigation under s. 972.15 make a reasonable attempt to contact the victim, as provided in s. 972.15(2m), and to view the sentence recommendation and any victim information included on the presentence investigation report, as provided in s. 972.15(4m).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 972.15 addresses presentence investigations and the preparation of the report. Under Wis. Stat. Ann. § 972.15(2m), the person preparing the presentence investigation report must make a reasonable attempt to contact the victim to determine the economic, physical and psychological effect of the crime. Under Wis. Stat. Ann. § 972.15(4m), the district attorney and defense counsel may keep a copy of the report; they are required to keep the information in the report confidential. Relevant portions of § 972.15 are included below.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(p).</p>
<p>Victims' Right to View Portions of the Presentence Investigation Report.</p> <p>Victims of crimes have the following right[]: . . . [s]ubject to the limits set forth in s. 972.15(4r), to view portions of a presentence investigation report prepared under s. 972.15 that relate to the crime upon the victim.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wis. Stat. Ann. § 950.04(1v)(pd).</p>







<p> Wis. Stat. Ann. § 972.15(4r) provides that a victim is entitled to view all sentencing recommendations in the presentence report and other portions of the report that contain information pertaining to them. This statutory provision is included below.</p>	
<p>Victims' Right to Have the Court Consider Information Pertaining to the Economic, Physical and Psychological Effect of the Crime Upon the Victim.</p> <p>Victims of crimes have the following right[]: . . . [t]o have the court provided with information pertaining to the economic, physical and psychological effect of the crime upon the victim and have the information considered by the court.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Under Wis. Stat. Ann. § 972.15(2m), the person preparing a presentence investigation report must make a reasonable attempt to contact the victim to determine the economic, physical and psychological effect of the crime on the victim.</p> <p> Wis. Const. art. I, § 9m(2)(j) also guarantees victims the right “[t]o have information pertaining to the economic, physical, and psychological effect upon the victim of the offense submitted to the authority with jurisdiction over the case and to have that information considered by that authority.” This provision is included above.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(pm).</p>
<p>Victims' Right to Restitution.</p> <p>Victims of crimes have the following right[]: . . . [t]o restitution, as provided under ss. 938.245 (2)(a)5., 938.32 (1t), 938.34 (5), 938.345, 943.212, 943.23 (6), 943.245, 943.51 and 973.20.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(q).</p>

<p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. §§ 938.245(2)(a)(5), 938.32(1t) and 938.34(5) address restitution in the juvenile justice system. Wis. Stat. Ann. §§ 943.212, 943.23(6), 943.245, 943.51 and 973.20 address restitution in the criminal justice system. Relevant portions from some of these statutory provisions are included below.</p> <p> Wis. Const. art. I, § 9m(2)(m) provides victims a right “[t]o full restitution from any person who has been ordered to pay restitution to the victim and to be provided with assistance collecting restitution.” This provision is included above.</p> <p> A promising practice, when informing victims about their right to restitution, is to notify victims that they should collect and organize all documentation relating to their losses. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Right to Recompense from Forfeited Bail.</p> <p>Victims of crimes have the following right[]: . . . [t]o recompense as provided under s. 969.13(5)(a).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 969.13(5)(a) allows for forfeited bail to be applied to the payment of a recompense amount, determined by the court, for any victim of the crime for which the</p>	<p>Wis. Stat. Ann. § 950.04(1v)(qm).</p>

<p>bond was entered into, “unless the court finds substantial reason not to and states the reason on the record.”</p>	
<p>Victims’ Right to a Judgment for Unpaid Restitution.</p> <p>Victims of crimes have the following right[]: . . . [t]o a judgment for unpaid restitution, as provided under ss. 895.035 (2m) and 973.09 (3)(b).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 895.035(2m) applies to unpaid restitution in the juvenile justice setting. Wis. Stat. Ann. § 973.09(3)(b), the text of which is included below, applies to a probationer’s unpaid restitution in the criminal justice setting.</p> <p> A promising practice, when informing victims about their right to restitution, is to notify victims that they should collect and organize all documentation relating to their losses. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(r).</p>
<p>Victims’ Right to Compensation.</p> <p>Victims of crimes have the following right[]: . . . [t]o compensation, as provided under subch. I of ch. 949.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wis. Stat. Ann. § 950.04(1v)(rm).</p>

<p> Wis. Const. art. I, § 9m(2)(n) provides victims a right to compensation. This provision is included above.</p> <p> Wis. Stat. Ann. §§ 949.001 to 949.18 govern crime victim compensation. These compensation-related statutory provisions are not included in this document.</p>	
<p>Victims' Right to the Expeditious Return of Property.</p> <p>Victims of crimes have the following right[]: . . . [t]o have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence, subject to s. 968.205. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, property subject to preservation under s. 968.205, and property the ownership of which is disputed, shall be returned to the person within 10 days of being taken.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 968.205 addresses the preservation of certain evidence.</p> <p> A promising practice is to have a policy and procedure in place establishing what “expeditiously” means in the context of the victim’s right to return of their property. Instructions should be ready and available to provide to victims, explaining how they may promptly obtain the return of their property and including the name of a person they may contact to check the status of the return.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(s).</p>

<p> A promising practice, when a defendant files a request for return of property, is to notify the victims and the prosecution immediately to ensure that they are on notice and have an opportunity to be meaningfully heard on the matter.</p>	
<p>Victims' Right to Information from Law Enforcement.</p> <p>Victims of crimes have the following right[]: . . . [t]o receive information from law enforcement agencies, as provided under s. 950.08 (2g).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 950.08(2g) provides that, no later than 24 hours after law enforcement’s initial contact with a victim, law enforcement must make reasonable attempts to provide victims with written information regarding, <i>inter alia</i>, their legal rights, the availability of compensation, certain persons to contact for additional information, and suggested procedures to follow if the victim has experienced threats or intimidation related to their cooperation with law enforcement. This statutory provision is included below.</p> <p> A promising practice is to provide victims with this information as soon as possible. Consideration should be given to providing such written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(t).</p>
<p>Victims' Right to Information from District Attorneys.</p> <p>Victims of crimes have the following right[]: . . . [t]o receive information from district attorneys, as provided under s. 950.08 (2r).</p>	<p>Wis. Stat. Ann. § 950.04(1v)(u).</p>

<p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 950.08(2r) requires the district attorney to make a reasonable attempt to provide victims with certain written information as soon as practicable, but no later than 10 days after an offender’s initial appearance before a judge or 24 hours before a preliminary examination. This statutory provision is included below.</p> <p> A promising practice is to provide victims with this information as soon as possible. Consideration should be given to providing this written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Victims’ Right to Notice Regarding Conditional Release.</p> <p>Victims of crimes have the following right[]: . . . [t]o have district attorneys make a reasonable attempt to notify the victim under s. 971.17 (4m) regarding conditional releases under s. 971.17.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 971.17(4m) requires the district attorney to make a reasonable attempt to notify the victim of an offender’s conditional release. This statutory provision is included below.</p> <p> A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt to notify the victim.”</p>	<p>Wis. Stat. Ann. § 950.04(1v)(um).</p>

Victims' Right to Have the Department of Corrections Notify Them of Changes to an Offender's Status, Including Participation in Programs, Release, and Escape.

Wis. Stat. Ann. § 950.04(1v)(v).





Victims of crimes have the following right[]: . . . [t]o have the department of corrections make a reasonable attempt to notify the victim under s. 301.046(4) regarding community residential confinements, under s. 301.048(4m) regarding participation in the intensive sanctions program, under s. 301.38 regarding escapes from a Type 1 prison, under s. 301.46(3) regarding persons registered under s. 301.45, under s. 302.105 regarding release upon expiration of certain sentences, under s. 304.063 regarding extended supervision and parole releases, and under s. 938.51 regarding release or escape of a juvenile from correctional custody.











Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”












Wis. Stat. Ann. § 301.046(4) requires that, prior to a prisoner being placed in community residential confinement for committing certain crimes—including felony murder, homicide, sexual assault and child sex offenses—the department of corrections must make a reasonable attempt to notify the victim; Wis. Stat. Ann. § 301.048(4m) provides that, “as soon as possible” after an offender convicted of certain crimes—including felony murder, sexual assault and child sex offenses—enters an intensive sanctions program, the department of corrections must make a reasonable attempt to notify the victim; Wis. Stat. Ann. § 301.38 requires the department of corrections to make a reasonable attempt to notify the victim when a prisoner escapes from a Type 1 prison; Wis. Stat. Ann. § 301.46(3) requires the department of corrections to make a reasonable attempt to notify victims when a registered sex offender provides the department with updated information, such as moving to or becoming employed in another state; Wis. Stat. Ann. § 302.105 requires the department of corrections to make a reasonable attempt to notify victims before an inmate convicted of certain crimes—including felony murder, homicide, sexual assault and child sex offenses—is released from prison; Wis. Stat. Ann. § 304.063 requires the department of corrections to






<p>make a reasonable attempt to notify victims before the same categories of inmates are released on parole or on extended supervision; and Wis. Stat. Ann. § 938.51 requires that the department of corrections or county department with supervision of a juvenile make a reasonable attempt to notify the victim before the juvenile is released or escapes from custody. Some of these statutory provisions are included below.</p> <p> A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt to notify the victim.”</p>	
<p>Victims’ Right to Have the Department of Corrections Notify Them of a Revocation of Parole or of Release to Extended Supervision.</p> <p>Victims of crimes have the following right[]: . . . [t]o have the department of corrections make a reasonable attempt to notify the victim, pursuant to s. 302.107, of a revocation of parole or of release to extended supervision under s. 302.11(7), 302.113(9), 302.114(9), or 304.06(3) or (3g).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 302.107 provides for victim notification upon revocation of parole or extended supervision under §§ 302.11(7) [mandatory release on parole]; 302.113(9) [release to extended supervision for felony offenders not serving life sentences]; 302.114(9) [release to extended supervision for felony offenders serving life sentences]; and 304.06(3) or (3g) [parole from state prison and house of corrections]. Victims have the right to make or submit a statement concerning release under most of these statutory provisions. Some of these provisions are included in full below.</p> <p> A promising practice is to have a policy and procedure outlining what constitutes “a</p>	<p>Wis. Stat. Ann. § 950.04(1v)(vg).</p>






<p>reasonable attempt to notify the victim.”</p>	
<p>Victims’ Right to a Copy of an Inmate’s Petition for Extended Supervision and Notice of Related Hearing.</p> <p>Victims of crimes have the following right[]: . . . [t]o have the appropriate clerk of court send the victim a copy of an inmate’s petition for extended supervision and notification of the hearing on that petition under s. 302.114 (6).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 302.114(6) addresses the issuance of a copy of the petition and the process and contents of the victim notification. This statutory provision is included below.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(vm).</p>
<p>Victims’ Right to Notice of Leave for Qualified Inmates.</p> <p>Victims of crimes have the following right[]: . . . [t]o have the department of corrections make a reasonable attempt to notify the victim under s. 303.068(4m) regarding leave granted to qualified inmates under s. 303.068.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 303.068(4m) addresses notice to victims before an inmate imprisoned for a violation of certain offenses is released on leave. This statutory provision is included below.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(w).</p>

<p> A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt to notify the victim.”</p>	
<p>Victims’ Right to Notice When an Offender Who has Been Criminally Committed to a Mental Health Institute Petitions for Termination or Discharge of a Commitment Order or Requests a Home Visit.</p> <p>Victims of crimes have the following right[]: . . . [t]o have the department of health services make a reasonable attempt to notify the victim under s. 971.17 (6m) regarding termination or discharge under s. 971.17 and under s. 51.37 (10) regarding home visits under s. 51.37 (10).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 971.17(6m) addresses victim notice requirements related to an offender’s petition for termination or discharge of a commitment order based on a finding of not guilty by reason of mental disease or defect. This statutory provision is included below. Wis. Stat. Ann. § 51.37(10) addresses victim notice requirements regarding home visits for individuals who have been criminally committed to a mental health institute.</p> <p> A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt to notify the victim.”</p>	<p>Wis. Stat. Ann. § 950.04(1v)(x).</p>
<p>Sexual Violence Victims’ Right to Notice of Supervised Release and Discharge of Sexually Violent Persons Committed to Mental Health Facilities.</p> <p>Victims of crimes have the following right[]: . . . [t]o have the department of health services</p>	<p>Wis. Stat. Ann. § 950.04(1v)(xm).</p>


<p>make a reasonable attempt to notify the victim under s. 980.11 regarding supervised release under s. 980.08 and discharge under s. 980.09 (4).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 980.11 addresses victim notice requirements related to the supervised release or discharge of a sexually violent person who has been committed to a mental health facility. This statutory provision is included below.</p> <p> A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt to notify the victim.”</p>	
<p>Victims’ Right to Notice Regarding Actions Taken in a Juvenile Proceeding.</p> <p>Victims of crimes have the following right[]: . . . [t]o have reasonable attempts made to notify the victim concerning actions taken in a juvenile proceeding, as provided under ss. 938.24 (5m), 938.25 (2m), 938.312 and 938.346.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 938.24(5m) requires intake workers to make a reasonable attempt to inform victims when the intake worker decides to close a case; Wis. Stat. Ann. § 938.25(2m) requires the district attorney or corporation counsel to make a reasonable attempt to inform victims when they decide to not file a petition; Wis. Stat. Ann. § 938.312 requires the district attorney or corporation counsel to make a reasonable attempt to inform victims when a delinquency petition is dismissed or does not otherwise result in a consent decree or</p>	<p>Wis. Stat. Ann. § 950.04(1v)(y).</p>




<p>dispositional order; and Wis. Stat. Ann. § 938.346 requires notice of certain information to the victims of a juvenile’s acts.</p> <p> A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt to notify the victim.”</p>	
<p>Victims’ Right to Notice of a Motion for DNA Testing.</p> <p>Victims of crimes have the following right[]: . . . [t]o have the appropriate clerk of court make a reasonable attempt to send the victim a copy of a motion made under s. 974.07(2) for postconviction deoxyribonucleic acid testing of certain evidence and notification of any hearing on that motion, as provided under s. 974.07(4).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 947.07 addresses postconviction DNA testing of certain evidence. When an offender moves for such testing under Wis. Stat. § 947.07(2), § 947.07(4) requires that the clerk make a reasonable attempt to send a copy of the motion to the victim within 7 days of filing.</p> <p> A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt” to send the victim a copy of the motion for DNA testing.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(yd).</p>
<p>Victims’ Right to Notice of a Pardon Application.</p> <p>Victims of crimes have the following right[]: . . . [t]o have the governor make a reasonable attempt to notify the victim of a pardon application, as provided under s. 304.09(2) and (3).</p>	<p>Wis. Stat. Ann. § 950.04(1v)(ym).</p>




<p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 340.09(2) and (3) provide that victims must be served with notice of a pardon application, and such notice must include when the application is to be heard by the governor. This notice must also inform victims of the manner in which they may provide written statements or participate in applicable hearings.</p> <p> A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt to notify the victim.”</p>	
<p>Victims’ Right to Make a Written Statement Regarding a Pardon Application.</p> <p>Victims of crimes have the following right[]: . . . [t]o make a written statement concerning pardon applications, as provided under s. 304.10 (2).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 340.10(2) provides that victims may submit to the governor a written statement containing their views regarding a pardon application.</p>	<p>Wis. Stat. Ann. § 950.04(1v)(z).</p>
<p>Victims’ Right to Request Information from a District Attorney Regarding the Disposition of a Case.</p> <p>Victims of crimes have the following right[]: . . . [t]o request information from a district</p>	<p>Wis. Stat. Ann. § 950.04(1v)(zm).</p>





<p>attorney concerning the disposition of a case involving a crime of which he or she was a victim, as provided under s. 971.095 (6).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 971.095(6) provides that the district attorney must make a reasonable attempt to provide victims with information regarding the disposition of a case, where the victim requests such information. This statutory provision is included below.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of information identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Victims’ Right to Complain to the Department of Justice Regarding Their Treatment and to Request Review of Their Complaint by the Crime Victims Rights Board.</p> <p>Victims of crimes have the following right[]: . . . [t]o complain to the department of justice concerning the treatment of crime victims, as provided under s. 950.08 (3), and to request review by the crime victims rights board of the complaint, as provided under s. 950.09 (2).</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 950.08(3) addresses complaints to the department of justice about the</p>	<p>Wis. Stat. Ann. § 950.04(1v)(zx).</p>

<p>treatment of crime victims by public officials, employees or agencies or under crime victim assistance programs. Wis. Stat. Ann. § 950.09(2) provides that the crime victims rights board may take certain actions, including the issuance of private and public reprimands. These statutory provisions are included below.</p>	
<p>Sex Offense Victims' Right to Accompaniment by Victim Advocate at Law Enforcement Interviews and Proceedings.</p> <p>(1) Right to accompaniment at law enforcement interviews; exceptions.</p> <p>(a) In addition to all rights afforded to victims under s. 950.04, an individual who is a victim of a violation of s. 940.22, 940.225, 940.302, 948.02, 948.025, or 948.05 to 948.11 has the right to be accompanied by a victim advocate at law enforcement interviews, subject to par. (b) or (c) and except as provided in par. (c) or (d).</p> <p>(am) A parent, guardian, or legal custodian of a minor who is a victim of sexual assault, human trafficking, or child sexual abuse may make a request under par. (a) for a victim advocate to accompany the minor victim of sexual assault, human trafficking, or child sexual abuse.</p> <p>(b) A victim advocate may not obstruct or delay a law enforcement interview, shall comply with the victim's requests or instructions, and shall comply with any rule, policy, or requirement established by a law enforcement agency regarding the confidentiality of information relating to an investigation. A victim advocate may not disclose information not previously disclosed to the general public to any person except that the victim advocate may disclose information to an individual or to an agency that is providing counseling, assistance, or support services to the victim to the extent that disclosure is reasonably necessary to assist in the provision of counseling, assistance, or support services.</p> <p>(c) A victim advocate may not obstruct or delay a forensic interview conducted at or on behalf of a child advocacy center, as described in s. 165.96, and shall comply with any instructions or requests from the lead forensic interviewer, including excluding himself or herself from the interview room, and shall comply with any rule, policy, or requirement established by the child advocacy center.</p> <p>(d) A victim advocate who violates the provisions of par. (b) or (c) may be excluded from a</p>	<p>Wis. Stat. Ann. § 950.045.</p>

<p>law enforcement interview. At the request of the victim, a different victim advocate may be allowed to accompany the victim.</p> <p>(2) Right to accompaniment at proceedings. (a) In addition to all rights afforded to victims under s. 950.04, an individual who is a victim of a violation of s. 940.22, 940.225, 940.302, 948.02, 948.025, or 948.05 to 948.11 has a right to be accompanied by a victim advocate at interviews and proceedings at which he or she is requested or allowed to attend that are related to the crime committed against him or her, including prosecution interviews, department of corrections proceedings, court proceedings, and postconviction proceedings, except as provided in s. 950.045(1)(c) and (d). (b) A parent, guardian, or legal custodian of a minor who is a victim of sexual assault, human trafficking, or child sexual abuse may make a request under par. (a) for a victim advocate to accompany the minor victim of sexual assault, human trafficking, or child sexual abuse.</p> <p>(3) Civil immunity. A law enforcement agency and its employees or agents are immune from civil liability for allowing a victim advocate to accompany a victim, for any failure to comply with any requirement in this section, and for any act or omission by a victim advocate.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Child Victims’ Additional Rights and Considerations: Legislative Intent.</p> <p>The legislature finds that it is necessary to provide child victims and witnesses with additional consideration and different treatment than that usually afforded to adults. The legislature intends, in this section, to provide these children with additional rights and protections during their involvement with the criminal justice or juvenile justice system. The legislature urges the news media to use restraint in revealing the identity of child victims or witnesses, especially in sensitive cases.</p>	<p>Wis. Stat. Ann. § 950.055(1).</p>

<p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Child Victims’ Additional Rights and Considerations: Use of Easily Understood Language.</p> <p>In addition to all rights afforded to victims and witnesses under s. 950.04 and services provided under s. 950.06 (1m), counties are encouraged to provide the following additional services on behalf of children who are involved in criminal or delinquency proceedings as victims or witnesses:</p> <p>. . . Explanations, in language understood by the child, of all legal proceedings in which the child will be involved.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> The rights available to child victims under Wis. Stat. Ann. § 950.04 are included above. The services available to child victims under Wis. Stat. Ann. § 950.06(1m) are included below.</p>	<p>Wis. Stat. Ann. § 950.055(2)(a).</p>
<p>Child Victims’ Additional Rights and Considerations: Advice to the Court Regarding Child’s Ability to Understand Proceedings and Questions.</p> <p>In addition to all rights afforded to victims and witnesses under s. 950.04 and services provided under s. 950.06 (1m), counties are encouraged to provide the following additional services on behalf of children who are involved in criminal or delinquency proceedings as victims or witnesses:</p>	<p>Wis. Stat. Ann. § 950.055(2)(b).</p>

<p>... Advice to the judge, when appropriate and as a friend of the court, regarding the child's ability to understand proceedings and questions. The services may include providing assistance in determinations concerning the taking of depositions by audiovisual means under s. 908.08 or 967.04(7) and (8) and the duty to expedite proceedings under s. 971.105.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> The rights available to child victims under Wis. Stat. Ann. § 950.04 are included above. The services available to child victims under Wis. Stat. Ann. § 950.06(1m) are included below.</p> <p> Wis. Stat. Ann. § 908.08 addresses the use of audiovisual recordings of statements by children in certain proceedings. Wis. Stat. Ann. § 967.04(7) and (8) address the use of recorded depositions in lieu of live child testimony in criminal prosecutions. Wis. Stat. Ann. § 971.105 requires the court and the district attorney to take appropriate action to ensure a speedy trial to minimize stress to the child. Some of these statutory provisions are included below.</p>	
<p>Child Victims' Additional Rights and Considerations: Advice to the District Attorney Concerning the Child's Ability to Cooperate with the Prosecution and the Effects of Proceedings on the Child.</p> <p>In addition to all rights afforded to victims and witnesses under s. 950.04 and services provided under s. 950.06 (1m), counties are encouraged to provide the following additional services on behalf of children who are involved in criminal or delinquency proceedings as victims or witnesses:</p> <p>... Advice to the district attorney concerning the ability of a child witness to cooperate with the prosecution and the potential effects of the proceedings on the child.</p>	<p>Wis. Stat. Ann. § 950.055(2)(c).</p>

<p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> The rights available to child victims under Wis. Stat. Ann. § 950.04 are included above. The services available to child victims under Wis. Stat. Ann. § 950.06(1m) are included below.</p>	
<p>Child Victims’ Additional Rights and Considerations: Information About Social Service Referrals.</p> <p>In addition to all rights afforded to victims and witnesses under s. 950.04 and services provided under s. 950.06 (1m), counties are encouraged to provide the following additional services on behalf of children who are involved in criminal or delinquency proceedings as victims or witnesses:</p> <p>... Information about and referrals to appropriate social services programs to assist the child and the child’s family in coping with the emotional impact of the crime and the subsequent proceedings in which the child is involved.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> The rights available to child victims under Wis. Stat. Ann. § 950.04 are included above. The services available to child victims under Wis. Stat. Ann. § 950.06(1m) are included below.</p>	<p>Wis. Stat. Ann. § 950.055(2)(d).</p>
<p>Victims’ Right to Information and Mediation Services: Duties of Department of</p>	<p>Wis. Stat. Ann. § 950.08.</p>

Justice; Toll-Free Number; General Information Program; Mediation.

(1) Duties of department; toll-free telephone number. The department shall maintain a toll-free telephone number to provide crime victims and witnesses with all of the following services:

- (a) Information and referral to available services.
- (b) Crisis counseling and emotional support.
- (c) Assistance in securing resources and protection.

(2) Duties of department; general informational program. The department shall provide an informational program to inform crime victims, the general public, criminal justice officials and related professionals about crime victim rights and services.

....

(3) Duties of department; mediation. The department may receive complaints, seek to mediate complaints and, with the consent of the involved parties, actually mediate complaints regarding the treatment of crime victims and witnesses by public officials, employees or agencies or under crime victim and witness assistance programs. The department may act as a liaison between crime victims or witnesses and others when seeking to mediate these complaints and may request a written response regarding the complaint from the subject of a complaint. If asked by the department to provide a written response regarding a complaint, the subject of a complaint shall respond to the department's request within a reasonable time.



Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."



Under Wis. Stat. Ann. § 950.09(2), at the request of one of the involved parties, the crime victims rights board may review a complaint made to the department of justice under § 950.08(3) regarding a violation of a victims' rights. This statutory provision is included

<p>below.</p>	
<p>Victims' Right to Information to Be Provided by Law Enforcement Agencies.</p> <p>No later than 24 hours after a law enforcement agency has initial contact with a victim of a crime that the law enforcement agency is responsible for investigating, the law enforcement agency shall make a reasonable attempt to provide to the victim written information on all of the following:</p> <p>(a) A list of the rights of victims under s. 950.04 (1v).</p> <p>(b) The availability of compensation under subch. I of ch. 949 and the address and telephone number at which to contact the department for information concerning compensation under subch. I of ch. 949.</p> <p>(c) The address and telephone number of the intake worker, corporation counsel or district attorney whom the victim may contact to obtain information concerning the rights of victims and to request notice of court proceedings under ss. 938.27 (4m) and (6), 938.273 (2), 938.299 (1)(am) and 938.335 (3m)(b) or ss. 971.095 (3) and 972.14 (3)(b), whichever is applicable, and to request the opportunity to confer under ss. 938.245 (1m), 938.265 or 938.32 (1)(am) or s. 971.095 (2), whichever is applicable.</p> <p>(d) The address and telephone number of the custodial agency that the victim may contact to obtain information concerning the taking into custody or arrest of a suspect in connection with the crime of which he or she is a victim.</p> <p>(e) The address and telephone number of the custodial agency that the victim may contact for information concerning release under s. 938.20 or 938.21 or ch. 969, whichever is appropriate, of a person arrested or taken into custody for the crime of which he or she is a victim.</p>	<p>Wis. Stat. Ann. § 950.08(2g).</p>

(f) Suggested procedures for the victim to follow if he or she is subject to threats or intimidation arising out of his or her cooperation with law enforcement and prosecution efforts relating to a crime of which he or she is a victim.

(g) The address and telephone number at which the victim may contact the department or any local agency that provides victim assistance in order to obtain further information about services available for victims, including medical services.

(h) If the victim is a victim of an officer-involved death, as defined in s. 175.47(1)(c), information about the process by which he or she may file a complaint under s. 968.02 or 968.26(2) and about the process of an inquest under s. 979.05.



Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”





Wis. Stat. Ann. § 950.04(1v)(t), which is included above, affords victims the right to receive this information from law enforcement. Many of the notification statutes detailed in § 950.08(2g)(c) are included below, as are many of the statutes governing a victim’s right to confer, also referenced in paragraph (c). Wis. Stat. Ann. § 950.04(1v)(do) affords victims of an officer-involved death to be informed of the inquest process. This statutory provision is included above.







A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt to provide to the victim” such written information.



A promising practice is to have a policy and procedure to ensure that victims are provided this written information as quickly as possible. Consideration should be given to providing this information in the primary language of the victim, as well as in a form accessible to those with vision impairment.

 <p>A promising practice is to have a procedure in place that reminds victims of their responsibility to keep their contact information current and that enables victims to make any necessary updates easily.</p>	
<p>Victims' Right to Information to Be Provided by the District Attorney in a Criminal Case.</p> <p>As soon as practicable, but in no event later than 10 days after the initial appearance under s. 970.01 or 24 hours before a preliminary examination under s. 970.03, whichever is earlier, of a person charged with a crime in a court of criminal jurisdiction, a district attorney shall make a reasonable attempt to provide to each victim of the crime written information on all of the following:</p> <ul style="list-style-type: none"> (a) A brief statement of the procedure for prosecuting a crime. (b) A list of the rights of victims under s. 950.04 (1v) and information about how to exercise those rights. (c) The person or agency to notify if the victim changes his or her address and wants to continue to receive notices and services under s. 950.04 or 971.095 (3). (d) The availability of compensation under subch. I of ch. 949, including information concerning eligibility for compensation and the procedure for applying for compensation. (e) The person to contact for further information about a case involving the prosecution of a crime of which he or she is a victim. <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Wis. Stat. Ann. § 950.08(2r).</p>

<p> Wis. Stat. Ann. § 950.04(1v)(u) affords victims the right to receive this information from district attorneys. Wis. Stat. Ann. § 971.095(3) addresses a victim’s right to notification of court proceedings and any changes in schedule. These statutory provisions are included in this document.</p> <p> A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt to provide to each victim” such written information.</p> <p> A promising practice is to have a policy and procedure to ensure that victims are provided this written information as quickly as possible. Consideration should be given to providing this information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p> <p> A promising practice is to have a procedure in place that reminds victims of their responsibility to keep their contact information current and that enables victims to make any necessary updates easily.</p>	
<p>Victims’ Rights Regarding Complaints Made to the Department of Justice About Rights Violations.</p> <p>(1) In this section, “board” means the crime victims rights board.</p> <p>(2) At the request of one of the involved parties, the board may review a complaint made to the department under s. 950.08 (3) regarding a violation of the rights of a crime victim. A party may not request the board to review a complaint under this subsection until the department has completed its action on the complaint under s. 950.08 (3). In reviewing a complaint under this subsection, the board may not begin any investigation or take any action specified in pars. (a) to (d) until the board first determines that there is probable cause to believe that the subject of the complaint violated the rights of a crime victim. Based on its</p>	<p>Wis. Stat. Ann. § 950.09.</p>

review of a complaint under this subsection, the board may do any of the following:

(a) Issue private and public reprimands of public officials, employees or agencies that violate the rights of crime victims provided under this chapter, ch. 938 and article I, section 9m, of the Wisconsin constitution.

(b) Refer to the judicial commission a violation or alleged violation by a judge of the rights of crime victims provided under this chapter, ch. 938 and article I, section 9m, of the Wisconsin constitution.


(c) Seek appropriate equitable relief on behalf of a victim if such relief is necessary to protect the rights of the victim. The board may not seek to appeal, reverse or modify a judgment of conviction or a sentence in a criminal case.


(d) Bring civil actions to assess a forfeiture under s. 950.11. Notwithstanding s. 778.06, an action or proposed action authorized under this paragraph may be settled for such sum as may be agreed upon between the parties. In settling actions or proposed actions, the board shall treat comparable situations in a comparable manner and shall assure that any settlement bears a reasonable relationship to the severity of the offense or alleged offense. Forfeiture actions brought by the board shall be brought in the circuit court for the county in which the violation is alleged to have occurred.

(3) In addition to its powers under sub. (2), the board may issue reports and recommendations concerning the securing and provision of crime victims rights and services.



(4) Actions of the board are not subject to approval or review by the attorney general.





(5) The board shall promulgate rules establishing procedures for the exercise of its powers under this section.

 Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”

 Wis. Stat. Ann. § 950.08(3) addresses the department of justice’s authority to receive and mediate complaints regarding the treatment of crime victims and witnesses by public

<p>officials, employees or agencies or under crime victim and witness assistance programs. This statutory provision is included above.</p>	
<p>Victims' Right to Confidential Complaint Regarding Treatment.</p> <p>(1)(a) The records of the department relating to a complaint made under s. 950.08 (3) are confidential unless the subject of the complaint waives the right to confidentiality in writing to the department.</p> <p>(am) Before a finding of probable cause under s. 950.09 (2), a complaint referred to the crime victims rights board under s. 950.09 (2) is confidential unless the subject of the complaint waives the right to confidentiality in writing to the crime victims rights board.</p> <p>(b) If a complaint becomes known to the public before the completion of action by the department under s. 950.08 (3) or a finding of probable cause by the crime victims rights board under s. 950.09 (2), the department or the crime victims rights board, whichever is applicable, may issue statements in order to confirm that a complaint has been made or is being reviewed, to clarify the procedural aspects of actions taken under ss. 950.08 (3) and 950.09 (2), to explain the right of the subject of the complaint to respond to the complaint, to state that the subject of the complaint denies the allegations, if applicable, to state that action under ss. 950.08 (3) and 950.09 (2) has been completed and no basis for the complaint was found or to correct public misinformation.</p> <p>(1m) In investigating a complaint made under s. 950.08 (3) or being reviewed under s. 950.09 (2), the department or the crime victims rights board, whichever is applicable, shall do all of the following:</p> <p>(a) Act to avoid unnecessary embarrassment to and publicity for the subject of the complaint.</p> <p>(b) Request any person contacted for information not to disclose that an investigation is being conducted or the nature of any inquiries made by the department or the crime victims rights board.</p> <p>(2) This section does not preclude the department or the crime victims rights board from doing any of the following:</p> <p>(a) Informing the person who made the complaint of the outcome of any action by the</p>	<p>Wis. Stat. Ann. § 950.095.</p>

<p>department or review by the crime victims rights board.</p> <p>(b) Referring to the judicial commission information relating to alleged misconduct by or an alleged disability of a judge or court commissioner.</p> <p>(c) Referring to an appropriate law enforcement authority information relating to possible criminal conduct or otherwise cooperating with a law enforcement authority in matters of mutual interest.</p> <p>(d) Referring to an attorney disciplinary agency information relating to the possible misconduct or incapacity of an attorney or otherwise cooperating with an attorney disciplinary agency in matters of mutual interest.</p> <p>(e) Disclosing to the chief justice or director of state courts information relating to matters affecting the administration of the courts.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Under Wis. Stat. Ann. § 950.09(2), at the request of one of the involved parties, the crime victims rights board may review a complaint made to the department of justice under § 950.08(3) regarding a violation of a victims’ rights. Wis. Stat. Ann. § 950.08(3) addresses the department of justice’s authority to receive and mediate complaints regarding the treatment of crime victims and witnesses by public officials, employees or agencies or under crime victim and witness assistance programs. These statutory provisions are included above.</p>	
<p>Limitations on Liability for Violations of Victims’ Constitutional and Statutory Rights; Rights Violations Not Grounds for Appeal, Reversal or Modification of a Judgment of Conviction or Sentence.</p> <p>(1) No cause of action for money damages may arise against the state, any political subdivision of the state or any employee or agent of the state or a political subdivision of the state for any act or omission in the performance of any power or duty under this chapter or</p>	<p>Wis. Stat. Ann. § 950.10.</p>

<p>under article I, section 9m, of the Wisconsin constitution or for any act or omission in the performance of any power or duty under ch. 938 relating to the rights of, services for or notices to victims.</p> <p>(2) A failure to provide a right, service or notice to a victim under this chapter or ch. 938 or under article I, section 9m, of the Wisconsin constitution is not a ground for an appeal of a judgment of conviction or sentence and is not grounds for any court to reverse or modify a judgment of conviction or sentence.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Victims’ Right to Assert Rights; Victim Standing.</p> <p>A crime victim has a right to assert, in a court in the county in which the alleged violation occurred, his or her rights as a crime victim under the statutes or under article I, section 9m, of the Wisconsin Constitution. This section does not preclude a district attorney from asserting a victim’s statutory or constitutional crime victim’s rights in a criminal case or in a proceeding or motion brought under this section.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Const. art. I, § 9m(4) recognizes victims’ standing to assert and enforce their rights. This provision is included above.</p> <p> A promising practice is to notify victims as soon as possible that they have standing to enforce their rights in court and to let them know that they may do so personally or with the assistance of an independent attorney or the prosecution. This notice should include an</p>	<p>Wis. Stat. Ann. § 950.105.</p>

<p>explanation of the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights.</p>	
<p>Address Confidentiality Program.</p> <p>(2) Eligibility. (a) A person is eligible for participation in the confidentiality program established in this section if he or she attests all of the following:</p> <ol style="list-style-type: none"> 1. That he or she is a resident of this state. 2. That at least one of the following applies: <ol style="list-style-type: none"> a. He or she is a victim of abuse, a parent or guardian of a person who is a victim of abuse, or a resident of a household in which a victim of abuse also resides. b. He or she fears for his or her physical safety or for the physical safety of his or her child or ward. 3. That he or she resides or will reside at a location in this state that is not known by the person who committed the abuse against, or who threatens, the applicant or his or her child or ward. 4. That he or she will not disclose his or her actual address to the person who committed the abuse against, or who threatens, the applicant or his or her child or ward. <p>(b) A person is eligible under par. (a) regardless of whether any criminal charges have been brought relating to any act or threat against the person, whether the person has sought any restraining order or injunction relating to any act or threat against the person, or whether the person has reported any act or threat against him or her to a law enforcement officer or agency.</p> <p>(3) Administration; application. (a) The department shall provide an application form for participation in the confidentiality program established in this section. The department may not charge a fee for applying to, or participating in, the program.</p> <p>(b) The application form shall include all of the following:</p> <ol style="list-style-type: none"> 1. The applicant's name. 2. The applicant's actual address. 3. A place for the applicant to identify any state or local government agency that employs a 	<p>Wis. Stat. Ann. § 165.68(2)–(7).</p>

<p>person who committed an act of abuse against the applicant.</p> <p>4. A statement certifying that the applicant understands and consents to all of the following program requirements:</p> <ul style="list-style-type: none"> a. A program participant remains enrolled in the program for 5 years, unless he or she cancels his or her participation under subd. 4. f. or is disenrolled under subd. 4.e. b. A program participant is required to notify the department when he or she changes his or her actual address or legal name. c. A program participant is required to develop a safety plan with a program assistant. d. A program participant authorizes the department to notify state or local agencies and units of government that the applicant is a program participant. e. The department may disenroll a program participant if the person fails to update his or her information under subd. 4. b., or at any time after the department determines that the person no longer meets the eligibility requirements established under sub. (2). The department will notify a program participant if his or her participation will expire or if the department will disenroll the participant . A program participant who receives a notification under this subd. 4. e. may update his or her information to establish eligibility or may reenroll in the program within 6 months from the date the department issues the notification. f. A program participant may cancel his or her participation in the program at any time by submitting a written notice to the department. g. A program participant certifies the department to be the program participant's designated agent for service of process. <p>(4) Use of assigned address; release of information. (a) The department shall provide to each person it approves as a program participant an assigned address and shall provide each program participant a notification form for use under sub. (5).</p> <p>(b) The department shall forward all mail it receives at the assigned address for each program participant to the program participant's actual address.</p> <p>(c) The department shall provide, at the request of a program participant or at the request of a state or local agency or unit of government, confirmation of the person's status as a program participant.</p> <p>(d) 1. Except as provided under subd. 2., the department may not disclose a program participant's actual address to any person except pursuant to a court order. If a court order is</p>	
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requested for disclosure, the department shall request the court to keep any record containing the program participant's actual address sealed and confidential.

2. The department may disclose a program participant's actual address to a law enforcement officer for official purposes.

(5) Use of assigned address; confidentiality. (a) A program participant may use the assigned address provided to him or her under sub. (4) for all purposes.


(b) No state or local agency or unit of government may refuse to use a program participant's assigned address for any official business, unless a specific statutory duty requires the agency or unit of government to use the participant's actual address. A state or local agency or unit of government may confirm with the department a person's status as a program participant.

(c) No person who has received a notification form from a program participant may refuse to use the assigned address for the program participant, may require a program participant to disclose his or her actual address, or may intentionally disclose to another person the actual address of a program participant.

(d) Notwithstanding pars. (a), (b), and (c), a municipal clerk may require a program participant to provide his or her actual address for voter registration and voter verification purposes. A municipal clerk shall also require a program participant to disclose his or her actual address to enroll a program participant in the confidential voter program provided under s. 6.47. If a voter is enrolled in the confidential voter program under s. 6.47 the municipal clerk shall keep the program participant's actual address confidential as provided under s. 6.47.

(e) The department may promulgate rules under sub. (6) to allow a program participant to consent to a disclosure of his or her actual address by the department or other entity with knowledge of the program participant's actual address when necessary to qualify for certain public assistance benefits or real property transactions. A person who discloses information under this paragraph shall include a notice that the information is confidential, and disclosure of the information to any 3rd party will be subject to the penalty under sub. (7).

(f)1. If a program participant is the sole member of a limited liability company, the limited liability company may list the department as its registered agent and registered office under s. 183.0115(1m).

<p>2. If the department receives service of process, notice, or demand required or permitted by law to be served on a limited liability company under subd. 1., the department shall forward the process, notice, or demand to the program participant's actual address.</p> <p>(6) Rules. The department shall promulgate rules regarding administration of the program established under this section and regarding the retention and destruction of applications, records, and other documents received or generated under this section. The department may use the emergency rule procedures under s. 227.24 to promulgate the rules required under this subsection. Notwithstanding s. 227.24(1)(a) and (3), the department may promulgate those rules as emergency rules without providing evidence that promulgating those rules as emergency rules is necessary to preserve the public peace, health, safety, or welfare and without a finding of emergency. Notwithstanding s. 227.24(1)(e)1d. and 1g., the department is not required to prepare a statement of the scope of those rules or to submit those rules in final draft form to the governor for approval.</p> <p>(7) Criminal penalty. A person who intentionally releases information in violation of this section is guilty of a misdemeanor.</p> <p> Wis. Stat. Ann. § 302.113(9g)(a) and (g)(1) define the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	
<p>Department of Correction's Obligation to Notify Certain Sex Offense Victims of Community Residential Confinement.</p> <p>(b) Before a prisoner is confined [to a community residential program] under [Wis. Stat. Ann. § 301.046](1) for a violation of s. 940.03, 940.05, 940.225(1) or (2), 948.02(1) or (2), 948.025, 948.06, 948.07, or 948.085, the department [of corrections] shall make a reasonable attempt to notify all of the following persons, if they can be found, in accordance with par. (c) and after receiving a completed card under par. (d):</p> <p>1. The victim of the crime committed by the prisoner or, if the victim died as a result of the crime, an adult member of the victim's family or, if the victim is younger than 18 years old,</p>	<p>Wis. Stat. Ann. § 301.046(4)(b)–(e).</p>


the victim's parent or legal guardian.


2. Any witness who testified against the prisoner in any court proceeding involving the offense.


(c) The department shall make a reasonable effort to send the notice, postmarked at least 7 days before a prisoner is confined under sub. (1), to the last-known address of the persons under par. (b).




(d) The department shall design and prepare cards for any person specified in par. (b) to send to the department. The cards shall have space for any such person to provide his or her name and address, the name of the applicable prisoner and any other information the department determines is necessary. The department shall provide the cards, without charge, to district attorneys. District attorneys shall provide the cards, without charge, to persons specified in par. (b). These persons may send completed cards to the department. All department records or portions of records that relate to mailing addresses of these persons are not subject to inspection or copying under s. 19.35(1).

(e) Before a prisoner is confined under sub. (1), the department shall notify the police chief of any community and the sheriff and district attorney of any county where the prisoner will be confined.


 Wis. Stat. Ann. § 301.046(4)(a) defines terms used in this statutory provision. These definitions are included above in the section "Select Definitions."


 Wis. Stat. Ann. § 950.04(1v)(v) affords victims the right to have the department of corrections make a reasonable attempt to notify them, pursuant to this statutory provision, regarding community residential confinements. Section 950.04(1v)(v) is included above.


 A promising practice is to have a policy and procedure outlining what constitutes "a reasonable attempt to provide to the victim" with notice.


<p> A promising practice is for victims to be provided with notification cards in an easily understood format. Consideration should be given to providing this information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p> <p> A promising practice is for district attorneys to have a policy and procedure to ensure that victims are provided with notification cards in a timely manner.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Department of Correction’s Obligation to Notify Victims of Revocation of Parole or Extended Supervision.</p> <p>(2) Upon revocation of parole or extended supervision under s. 302.11(7), 302.113(9), 302.114(9), or 304.06(3) or (3g), the department shall make a reasonable effort to send a notice of the revocation to a victim of an offense committed by the inmate, if the victim can be found, in accordance with sub. (3) and after receiving a completed card under sub. (4).</p> <p>(3) The department shall make a reasonable effort to send the notice, postmarked not more than 10 days after the revocation, to the last-known address of the victim.</p> <p>(4) The department shall design and prepare cards for a victim of any crime for which the inmate is sentenced to confinement in prison to send to the department. The cards shall have space for any such person to provide his or her name and address, the name of the applicable</p>	<p>Wis. Stat. Ann. § 302.107(2)–(4).</p>


inmate, and any other information the department determines is necessary. The department shall provide the cards, without charge, to district attorneys. District attorneys shall provide the cards, without charge, to the victims, who may send completed cards to the department. All department records or portions of records that relate to mailing addresses of these persons are not subject to inspection or copying under s. 19.35(1).


 Wis. Stat. Ann. § 302.107(1) defines terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”

 Wis. Stat. Ann. § 950.04(1v)(vg) affords victims the right to have the department of corrections make a reasonable attempt to notify them, pursuant to this statutory provision, of parole revocation and release to extended supervision. Section 950.04(1v)(vg) is included above.

 A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt to provide to the victim” with notice.

 A promising practice is for victims to be provided with notification cards in an easily understood format. Consideration should be given to providing this information in the primary language of the victim, as well as in a form accessible to those with vision impairment.

 A promising practice is for district attorneys to have a policy and procedure to ensure that victims are provided with notification cards in a timely manner.

 A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish

<p>to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Department of Correction's Obligation to Notify Victims of An Inmate's Petition for Modification of a Bifurcated Sentence for Felony Offenders Not Serving Life Sentences.</p> <p>(b) An inmate who is serving a bifurcated sentence for a crime other than a Class B felony may seek modification of the bifurcated sentence in the manner specified in par. (f) if he or she meets one of the following criteria:</p> <ol style="list-style-type: none"> 1. The inmate is 65 years of age or older and has served at least 5 years of the term of confinement in prison portion of the bifurcated sentence. 2. The inmate is 60 years of age or older and has served at least 10 years of the term of confinement in prison portion of the bifurcated sentence. 3. The inmate has an extraordinary health condition. <p>(c) An inmate who meets a criterion under par. (b) may submit a petition to the program review committee at the correctional institution in which the inmate is confined requesting a modification of the inmate's bifurcated sentence in the manner specified in par. (f). If the inmate alleges in the petition that he or she has an extraordinary health condition, the inmate shall attach to the petition affidavits from 2 physicians setting forth a diagnosis that the inmate has an extraordinary health condition.</p> <p>(cm) If, after receiving the petition under par. (c), the program review committee determines that the public interest would be served by a modification of the inmate's bifurcated sentence in the manner provided under par. (f), the committee shall approve the petition for referral to the sentencing court and notify the department of its approval. The department shall then refer the inmate's petition to the sentencing court and request the court to conduct a hearing on the petition. If the program review committee determines that the public interest would not be served by a modification of the inmate's bifurcated sentence in the manner specified</p>	<p>Wis. Stat. Ann. § 302.113(9g)(b)–(j).</p>

<p>in par. (f), the committee shall deny the inmate's petition.</p> <p>(d) When a court is notified by the department that it is referring to the court an inmate's petition for modification of the inmate's bifurcated sentence, the court shall schedule a hearing to determine whether the public interest would be served by a modification of the inmate's bifurcated sentence in the manner specified in par. (f). The inmate and the district attorney have the right to be present at the hearing, and any victim of the inmate's crime has the right to be present at the hearing and to provide a statement concerning the modification of the inmate's bifurcated sentence. The court shall order such notice of the hearing date as it considers adequate to be given to the department, the inmate, the attorney representing the inmate, if applicable, and the district attorney. Victim notification shall be provided as specified under par. (g).</p> <p>(e) At a hearing scheduled under par. (d), the inmate has the burden of proving by the greater weight of the credible evidence that a modification of the bifurcated sentence in the manner specified in par. (f) would serve the public interest. If the inmate proves that a modification of the bifurcated sentence in the manner specified in par. (f) would serve the public interest, the court shall modify the inmate's bifurcated sentence in that manner. If the inmate does not prove that a modification of the bifurcated sentence in the manner specified in par. (f) would serve the public interest, the court shall deny the inmate's petition for modification of the bifurcated sentence.</p> <p>(f) A court may modify an inmate's bifurcated sentence under this section only as follows:</p> <ol style="list-style-type: none"> 1. The court shall reduce the term of confinement in prison portion of the inmate's bifurcated sentence in a manner that provides for the release of the inmate to extended supervision within 30 days after the date on which the court issues its order modifying the bifurcated sentence. 2. The court shall lengthen the term of extended supervision imposed so that the total length of the bifurcated sentence originally imposed does not change. <p>(g)1. In this paragraph, "victim" has the meaning given in s. 950.02(4).</p> <ol style="list-style-type: none"> 2. When a court schedules a hearing under par. (d), the clerk of the circuit court shall send a 	
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notice of hearing to the victim of the crime committed by the inmate, if the victim has submitted a card under subd. 3. requesting notification. The notice shall inform the victim that he or she may appear at the hearing scheduled under par. (d) and shall inform the victim of the manner in which he or she may provide a statement concerning the modification of the inmate's bifurcated sentence in the manner provided in par. (f). The clerk of the circuit court shall make a reasonable attempt to send the notice of hearing to the last-known address of the inmate's victim, postmarked at least 10 days before the date of the hearing.

3. The director of state courts shall design and prepare cards for a victim to send to the clerk of the circuit court for the county in which the inmate was convicted and sentenced. The cards shall have space for a victim to provide his or her name and address, the name of the applicable inmate, and any other information that the director of state courts determines is necessary. The director of state courts shall provide the cards, without charge, to clerks of circuit court. Clerks of circuit court shall provide the cards, without charge, to victims. Victims may send completed cards to the clerk of the circuit court for the county in which the inmate was convicted and sentenced. All court records or portions of records that relate to mailing addresses of victims are not subject to inspection or copying under s. 19.35(1).

(h) An inmate may appeal a court's decision to deny the inmate's petition for modification of his or her bifurcated sentence. The state may appeal a court's decision to grant an inmate's petition for a modification of the inmate's bifurcated sentence. In an appeal under this paragraph, the appellate court may reverse a decision granting or denying a petition for modification of a bifurcated sentence only if it determines that the sentencing court erroneously exercised its discretion in granting or denying the petition.

(i) If the program review committee denies an inmate's petition under par. (cm), the inmate may not file another petition within one year after the date of the program review committee's denial. If the program review committee approves an inmate's petition for referral to the sentencing court under par. (cm) but the sentencing court denies the petition, the inmate may not file another petition under par. (cm) within one year after the date of the court's decision.

(j) An inmate eligible to seek modification of his or her bifurcated sentence under this

subsection has a right to be represented by counsel in proceedings under this subsection. An inmate, or the department on the inmate's behalf, may apply to the state public defender for determination of indigency and appointment of counsel under s. 977.05(4)(jm) before or after the filing of a petition with the program review committee under par. (c). If an inmate whose petition has been referred to the court under par. (cm) is without counsel, the court shall refer the matter to the state public defender for determination of indigency and appointment of counsel under s. 977.05(4)(jm).



Wis. Stat. Ann. § 302.113(9g)(a) and (g)(1) define the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”



Wis. Stat. Ann. § 950.04(1v)(g) affords victims the right to have reasonable attempts made to notify the victims of hearings or court proceedings, as provided by this statute; Wis. Stat. Ann. § 950.04(1v)(vg) affords victims the right to have the department of corrections make a reasonable attempt to notify them of a revocation of parole or a release to extended supervision; and Wis. Stat. Ann. § 950.04(1v)(nt) affords victims the right to attend a hearing on a petition for modification of a bifurcated sentence and provide a statement concerning modification of the bifurcated sentence. These statutory provisions are included above.



A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt” to send the notice of the hearing to the victim.



A promising practice is for victims to be provided with notification cards in an easily understood format and in a timely manner. Consideration should be given to providing this information in the primary language of the victim, as well as in a form accessible to those with vision impairment.



A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should

<p>carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Department of Correction’s Obligation to Notify Victims of Release of or Extended Supervision for Felony Offenders Serving Life Sentences.</p> <p>(5)(a) An inmate subject to this section who is seeking release to extended supervision shall file a petition for release to extended supervision with the court that sentenced him or her. An inmate may not file an initial petition under this paragraph earlier than 90 days before his or her extended supervision eligibility date. If an inmate files an initial petition for release to extended supervision at any time earlier than 90 days before his or her extended supervision eligibility date, the court shall deny the petition without a hearing.</p> <p>(am) The inmate shall serve a copy of a petition for release to extended supervision on the district attorney’s office that prosecuted him or her, and the district attorney shall file a written response to the petition within 45 days after the date he or she receives the petition.</p> <p>(b) After reviewing a petition for release to extended supervision and the district attorney’s response to the petition, the court shall decide whether to hold a hearing on the petition or, if it does not hold a hearing, whether to grant or deny the petition without a hearing. If the court decides to hold a hearing under this paragraph, the hearing shall be before the court without a jury. The office of the district attorney that prosecuted the inmate shall represent the state at the hearing.</p> <p>(c) Before deciding whether to grant or deny the inmate’s petition, the court shall allow a victim, as defined in s. 950.02(4), to make a statement or submit a statement concerning the release of the inmate to extended supervision. The court may allow any other person to make or submit a statement under this paragraph. Any statement under this paragraph must be relevant to the release of the inmate to extended supervision.</p> <p>(cm) A court may not grant an inmate’s petition for release to extended supervision unless the inmate proves, by clear and convincing evidence, that he or she is not a danger to the public.</p>	<p>Wis. Stat. Ann. § 302.114(5)–(6).</p>

(d) If the court grants the inmate's petition for release to extended supervision, the court may impose conditions on the term of extended supervision.

(e) If the court denies the inmate's petition for release to extended supervision, the court shall specify the date on which the inmate may file a subsequent petition under this section. An inmate may file a subsequent petition at any time on or after the date specified by the court, but if the inmate files a subsequent petition for release to extended supervision before the date specified by the court, the court may deny the petition without a hearing.

(f) An inmate may appeal an order denying his or her petition for release to extended supervision. In an appeal under this paragraph, the appellate court may reverse an order denying a petition for release to extended supervision only if it determines that the sentencing court erroneously exercised its discretion in denying the petition for release to extended supervision.

(6)(a) In this subsection, "victim" has the meaning given in s. 950.02 (4).


(b) If an inmate petitions a court under sub. (5) or (9)(bm) for release to extended supervision under this section, the clerk of the circuit court in which the petition is filed shall send a copy of the petition and, if a hearing is scheduled, a notice of hearing to the victim of the crime committed by the inmate, if the victim has submitted a card under par. (e) requesting notification.


(c) The notice under par. (b) shall inform the victim that he or she may appear at the hearing under sub. (5) or (9)(bm), if a hearing is scheduled, and shall inform the victim of the manner in which he or she may provide written statements concerning the inmate's petition for release to extended supervision.


(d) The clerk of the circuit court shall make a reasonable attempt to send a copy of the inmate's petition to the last-known address of the victim within 7 days of the date on which the petition is filed and shall make a reasonable attempt to send the notice of hearing, if a hearing is scheduled, to the last-known address of the persons victim, postmarked at least 10 days before the date of the hearing.


(e) The director of state courts shall design and prepare cards for a victim to send to the clerk of the circuit court in which the inmate is convicted and sentenced. The cards shall have space for a victim to provide his or her name and address, the name of the applicable inmate and any other information the director of state courts determines is necessary. The director


of state courts shall provide the cards, without charge, to clerks of circuit court. Clerks of circuit court shall provide the cards, without charge, to victims. Victims may send completed cards to the clerk of the circuit court in which the inmate was convicted and sentenced. All court records or portions of records that relate to mailing addresses of victims are not subject to inspection or copying under s. 19.35 (1).

 Wis. Stat. Ann. § 950.02(4) defines the term “victim” for the purposes of this statutory provision. This definition is included above in the section “Select Definitions.”


 Wis. Stat. Ann. § 950.04(1v)(g) affords victims the right to have reasonable attempts made to notify the victims of hearings or court proceedings, as provided by this statute. Wis. Stat. Ann. § 950.04(1v)(vg) affords victims the right to have the department of corrections make a reasonable attempt to notify them of a revocation of parole or a release to extended supervision. Wis. Stat. Ann. § 950.04(1v)(vm) affords victims the right to have the appropriate clerk of court send the victim a copy of an inmate’s petition for extended supervision and notification of the hearing on that petition under § 302.114(6). These statutory provisions are included above.





 A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt” to send a copy of the inmate’s petition and the notice of hearing to the victim.

 A promising practice is for victims to be provided with notification cards in an easily understood format and in a timely manner. Consideration should be given to providing this information in the primary language of the victim, as well as in a form accessible to those with vision impairment.

 A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should

<p>carefully maintain documentation of a victim's request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
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<p>Department of Correction’s Obligation to Notify Victims of Leave for Qualified Inmates.</p> <p>(b) Before an inmate who is imprisoned for a violation of s. 940.01, 940.03, 940.05, 940.225(1) or (2), 948.02(1) or (2), 948.025, 948.06, 948.07, or 948.085 is released on leave under this section, the department shall make a reasonable attempt to notify all of the following persons, if they can be found, in accordance with par. (c) and after receiving a completed card under par. (d):</p> <ol style="list-style-type: none"> 1. The victim of the crime committed by the inmate or, if the victim died as a result of the crime, an adult member of the victim’s family or, if the victim is younger than 18 years old, the victim’s parent or legal guardian. 2. Any witness who testified against the inmate in any court proceeding involving the offense. <p>(c) The department shall make a reasonable effort to send the notice, postmarked at least 7 days before an inmate is released on leave, to the last-known address of the persons under par. (b).</p> <p>(d) The department shall design and prepare cards for any person specified in par. (b) to send to the department. The cards shall have space for any such person to provide his or her name and address, the name of the applicable inmate and any other information the department determines is necessary. The department shall provide the cards, without charge, to district attorneys. District attorneys shall provide the cards, without charge, to persons specified in par. (b). These persons may send completed cards to the department. All department records or portions of records that relate to mailing addresses of these persons are not subject to inspection or copying under s. 19.35(1).</p> <p> Wis. Stat. Ann. § 303.068(4m)(a) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Wis. Stat. Ann. § 303.068(4m)(b)–(d).</p>
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<p> Wis. Stat. Ann. § 950.04(1v)(w) affords victims the right to have the department of corrections make a reasonable attempt to notify victims under § 303.068(4m) regarding leave granted to qualified inmates under § 303.068. This statutory provision is included above.</p> <p> A promising practice is to have a policy and procedure outlining what constitutes “a reasonable effort” and “reasonable attempt” to provide victims with notice.</p> <p> A promising practice is for victims to be provided with notification cards in an easily understood format and in a timely manner. Consideration should be given to providing this information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Parole Commission’s Obligations to Victims Regarding Parole.</p> <p>(c) If an inmate applies for parole under this subsection, the parole commission shall make a reasonable attempt to notify the following, if they can be found, in accordance with par. (d):</p> <ol style="list-style-type: none"> 1. The office of the court that participated in the trial or that accepted the inmate’s plea of guilty or no contest, whichever is applicable. 2. The office of the district attorney that participated in the trial of the inmate or that prepared for proceedings under s. 971.08 regarding the inmate’s plea of guilty or no contest, 	<p>Wis. Stat. Ann. § 304.06(1)(c)–(f).</p>

whichever is applicable.

3. The victim of the crime committed by the inmate or, if the victim died as a result of the crime, an adult member of the victim's family and any member of the victim's family who was younger than 18 years old at the time was committed but is now 18 years old or older or, if the victim is younger than 18 years old, the victim's parent or legal guardian, upon submission of a card under par. (f) requesting notification.

(d)1. The notice under par. (c) shall inform the offices and persons under par. (c)1. to 3. of the manner in which they may provide written statements under this subsection, shall inform persons under par. (c)3. that they may attend interviews or hearings and make statements under par. (eg) and shall inform persons under par. (c)3. who are victims, or family members of victims, of crimes specified in s. 940.01, 940.03, 940.05, 940.225(1), (2), or (3), 948.02(1) or (2), 948.025, 948.06, or 948.07 of the manner in which they may have direct input in the parole decision-making process under par. (em). The parole commission shall provide notice under this paragraph for an inmate's first application for parole and, upon request, for subsequent applications for parole.

2. The notice shall be by 1st class mail to an office's or a person's last-known address sent at least 90 days before the interview or hearing upon the application for parole.

3. The notice shall state the name of the inmate, the date and term of the sentence and the date when the written statement must be received in order to be considered. If the notice is to an office under par. (c)1 or 2, the notice shall also state the crime of which the inmate was convicted.

3g. If applicable, the notice shall state the date of the interview or hearing that is the subject of the notice.

3m. If applicable, the notice shall state the manner in which the person may have direct input in the decision-making process for parole.

4. If the notice is for a first application for parole, the notice shall inform the offices and persons under par. (c)1. to 3. that notification of subsequent applications for parole will be provided only upon request.

(e) The parole commission shall permit any office or person under par. (c)1. to 3. to provide written statements. The parole commission shall give consideration to any written

statements provided by any such office or person and received on or before the date specified in the notice. This paragraph does not limit the authority of the parole commission to consider other statements or information that it receives in a timely fashion.

(eg) The parole commission shall permit any person under par. (c)3. to make a statement at any interview or hearing on the application for parole of an applicable inmate.

(em) The parole commission shall promulgate rules that provide a procedure to allow any person who is a victim, or a family member of a victim, of a crime specified in s. 940.01, 940.03, 940.05, 940.225(1), (2), or (3), 948.02(1) or (2), 948.025, 948.06, or 948.07 to have direct input in the decision-making process for parole.





(f) The parole commission shall design and prepare cards for persons specified in par. (c)3. to send to the commission. The cards shall have space for these persons to provide their names and addresses, the name of the applicable prisoner and any other information the parole commission determines is necessary. The parole commission shall provide the cards, without charge, to district attorneys. District attorneys shall provide the cards, without charge, to persons specified in par. (c)3. These persons may send completed cards to the parole commission. All commission records or portions of records that relate to mailing addresses of these persons are not subject to inspection or copying under s. 19.35(1). Before any written statement of a person specified in par. (c)3. is made a part of the documentary record considered in connection with a parole hearing under this section, the parole commission shall obliterate from the statement all references to the mailing addresses of the person. A person specified in par. (c)3. who attends an interview or hearing under par. (eg) may not be required to disclose at the interview or hearing his or her mailing addresses.




Wis. Stat. Ann. § 304.06(1)(a) defines the terms used in this statutory provision. Those definitions are included above in the section “Select Definitions.”



Wis. Stat. Ann. § 950.04(1v)(f) affords victims the right to have the parole commission make a reasonable attempt to notify victims of applications for parole under § 304.06(1).

<p>This statutory provision is included above.</p> <p> Wis. Stat. Ann. § 950.04(1v)(m) affords victims the right to provide statements concerning parole under § 304.06(1)(e). Wis. Stat. Ann. § 950.04(1v)(n) affords victims the right to have direct input in the parole decision-making process under § 304.06(1)(em). Wis. Stat. Ann. § 950.04(1v)(nn) affords victims the right to attend parole interviews or hearings and make statements under § 304.06(1)(eg). These statutory provisions are included above.</p> <p> A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt” to provide victims with notice.</p> <p> A promising practice is for victims to be provided with notification cards in an easily understood format and in a timely manner. Consideration should be given to providing this information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Court Rule Regarding Identification of Victims and Others in Criminal Appellate Briefing, Petitions for Review and Responses for Petitions for Review.</p> <p>(1) Declaration of Policy. By enacting this rule, the supreme court intends to better protect the privacy and dignity interests of crime victims. It requires appellate briefs, petitions for review, and responses to petitions for review to identify crime victims by use of identifiers,</p>	<p>Wis. Stat. Ann. § 809.86(1)–(2), (4)–(5).</p>

<p>as specified in sub. (4), unless there is good cause for noncompliance. The rule protects the identity of victims in appellate briefs, petitions for review, and responses to petitions for review that the courts make available online.</p> <p>(2) Applicability. This section applies to appeals in the following types of cases:</p> <ul style="list-style-type: none"> (a) Section 971.17 proceedings. (b) Criminal cases. (c) Chapter 938 cases. (d) Chapter 980 cases. (e) Certiorari review of decisions or orders entered by the department of corrections, the department of health services, or the parole commission in a proceeding or case specified in pars. (a) to (d). (f) Collateral challenges to judgments or orders entered in a proceeding or case specified in pars. (a) to (e). <p>...</p> <p>(4) Briefs, Petitions for Review, and Responses to Petitions for Review. In an appeal specified under sub. (2), the briefs of the parties, petitions for review, and responses to petitions for review shall not, without good cause, identify a victim by any part of his or her name but may identify a victim by one or more initials or other appropriate pseudonym or designation.</p> <p>(5) Protective Order. For good cause, the court may make any order necessary to protect the identity of a victim or other person, or to excuse compliance with this section.</p> <p> Wis. Stat. Ann. § 809.86(3) defines the term “victim” for the purposes of this statutory provision. This definition is included above in the section “Select Definitions.”</p>	
<p>Domestic Abuse Restraining Orders and Injunctions.</p>	<p>Wis. Stat. Ann. § 813.12(2)–(9).</p>

<p>(2) Commencement of action and response.</p> <p>(a) No action under this section may be commenced by complaint and summons. An action under this section may be commenced only by a petition described under sub. (5)(a). The action commences with service of the petition upon the respondent if a copy of the petition is filed before service or promptly after service. If the judge or a circuit court commissioner extends the time for a hearing under sub. (3)(c) and the petitioner files an affidavit with the court stating that personal service by the sheriff or a private server under s. 801.11(1)(a) or (b) was unsuccessful because the respondent is avoiding service by concealment or otherwise, the judge or circuit court commissioner shall inform the petitioner that he or she may serve the respondent by publication of a summary of the petition as a class 1 notice, under ch. 985, and by mailing or sending a facsimile if the respondent's post-office address or facsimile number is known or can with due diligence be ascertained. The mailing or sending of a facsimile may be omitted if the post-office address or facsimile number cannot be ascertained with due diligence. A summary of the petition published as a class 1 notice shall include the name of the respondent and of the petitioner, notice of the temporary restraining order, and notice of the date, time, and place of the hearing regarding the injunction. The court shall inform the petitioner in writing that, if the petitioner chooses to have the documents in the action served by the sheriff, the petitioner should contact the sheriff to verify the proof of service of the petition.</p> <p>(b) A petition may be filed in conjunction with an action affecting the family commenced under ch. 767, but commencement of an action affecting the family or any other action is not necessary for the filing of a petition or the issuance of a temporary restraining order or an injunction. A judge or circuit court commissioner may not make findings or issue orders under s. 767.225 or 767.41 while granting relief requested only under this section. Section 813.06 does not apply to an action under this section. The respondent may respond to the petition either in writing before or at the hearing on the issuance of the injunction or orally at that hearing.</p> <p>(c) When the respondent is served with the petition under this subsection, the person who serves the respondent shall also provide the respondent all of the following information:</p> <ol style="list-style-type: none"> 1. Notice of the requirements and penalties under s. 941.29 and notice of any similar applicable federal laws and penalties. 2. An explanation of s. 813.1285, including the procedures for surrendering a firearm and 	
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the circumstances listed under s. 813.1285 under which a respondent must appear at a hearing to surrender firearms.

3. A firearm possession form developed under s. 813.1285(5)(a), with instructions for completing and returning the form.

(2m) Two-part procedure. Procedure for an action under this section is in 2 parts. First, if the petitioner requests a temporary restraining order the court shall issue or refuse to issue that order. Second, the court shall hold a hearing under sub. (4) on whether to issue an injunction, which is the final relief. If the court issues a temporary restraining order, the order shall set forth the date for the hearing on an injunction. If the court does not issue a temporary restraining order, the date for the hearing shall be set upon motion by either party.

(3) Temporary restraining order.

(a) A judge or circuit court commissioner shall issue a temporary restraining order ordering the respondent to refrain from committing acts of domestic abuse against the petitioner, to avoid the petitioner's residence, except as provided in par. (am), or any other location temporarily occupied by the petitioner or both, or to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner unless the petitioner consents in writing, to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet, to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet, or any combination of these remedies requested in the petition, or any other appropriate remedy not inconsistent with the remedies requested in the petition, if all of the following occur:

1. The petitioner submits to the judge or circuit court commissioner a petition alleging the elements set forth under sub. (5)(a).
2. The judge or circuit court commissioner finds reasonable grounds to believe that the respondent has engaged in, or based on prior conduct of the petitioner and the respondent may engage in, domestic abuse of the petitioner.

(aj) In determining whether to issue a temporary restraining order, the judge or circuit court commissioner shall consider the potential danger posed to the petitioner and the pattern of abusive conduct of the respondent but may not base his or her decision solely on the length

of time since the last domestic abuse or the length of time since the relationship ended. The judge or circuit court commissioner may grant only the remedies requested or approved by the petitioner. The judge or circuit court commissioner may not dismiss or deny granting a temporary restraining order because of the existence of a pending action or of any other court order that bars contact between the parties, nor due to the necessity of verifying the terms of an existing court order.

(am) If the petitioner and the respondent are not married, the respondent owns the premises where the petitioner resides and the petitioner has no legal interest in the premises, in lieu of ordering the respondent to avoid the petitioner's residence under par. (a) the judge or circuit court commissioner may order the respondent to avoid the premises for a reasonable time until the petitioner relocates and shall order the respondent to avoid the new residence for the duration of the order.

(b) Notice need not be given to the respondent before issuing a temporary restraining order under this subsection. A temporary restraining order may be entered only against the respondent named in the petition.

(c) The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (4), except that the court may extend the temporary restraining order under s. 813.1285. The temporary restraining order is not voided if the respondent is admitted into a dwelling that the order directs him or her to avoid. A judge or circuit court commissioner shall hold a hearing on issuance of an injunction within 14 days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties, extended under s. 801.58(2m), or extended once for 14 days upon a finding that the respondent has not been served with a copy of the temporary restraining order although the petitioner has exercised due diligence. A judge or court commissioner may not extend the temporary restraining order in lieu of ruling on the issuance of an injunction.

(d) The judge or circuit court commissioner shall advise the petitioner of the right to serve the respondent the petition by published notice if with due diligence the respondent cannot be served as provided under s. 801.11(1)(a) or (b). The clerk of circuit court shall assist the petitioner with the preparation of the notice and filing of the affidavit of printing.

(4) Injunction. (a) A judge or circuit court commissioner may grant an injunction ordering the respondent to refrain from committing acts of domestic abuse against the petitioner, to

avoid the petitioner's residence, except as provided in par. (am), or any other location temporarily occupied by the petitioner or both, or to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner unless the petitioner consents to that contact in writing, to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet, to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet, or any combination of these remedies requested in the petition, or any other appropriate remedy not inconsistent with the remedies requested in the petition, if all of the following occur:

1. The petitioner files a petition alleging the elements set forth under sub. (5)(a).
2. The petitioner serves upon the respondent a copy or summary of the petition and notice of the time for hearing on the issuance of the injunction, or the respondent serves upon the petitioner notice of the time for hearing on the issuance of the injunction.
3. After hearing, the judge or circuit court commissioner finds reasonable grounds to believe that the respondent has engaged in, or based upon prior conduct of the petitioner and the respondent may engage in, domestic abuse of the petitioner.

(aj) In determining whether to issue an injunction, the judge or circuit court commissioner shall consider the potential danger posed to the petitioner and the pattern of abusive conduct of the respondent but may not base his or her decision solely on the length of time since the last domestic abuse or the length of time since the relationship ended. The judge or circuit court commissioner may grant only the remedies requested by the petitioner. The judge or circuit court commissioner may not dismiss or deny granting an injunction because of the existence of a pending action or of any other court order that bars contact between the parties, nor due to the necessity of verifying the terms of an existing court order.

(am) If the petitioner and the respondent are not married, the respondent owns the premises where the petitioner resides and the petitioner has no legal interest in the premises, in lieu of ordering the respondent to avoid the petitioner's residence under par. (a) the judge or circuit court commissioner may order the respondent to avoid the premises for a reasonable time until the petitioner relocates and shall order the respondent to avoid the new residence for the duration of the order.

(b) The judge or circuit court commissioner may enter an injunction only against the respondent named in the petition. No injunction may be issued under this subsection under

the same case number against the person petitioning for the injunction. The judge or circuit court commissioner may not modify an order restraining the respondent based solely on the request of the respondent.

(c)1. An injunction under this subsection is effective according to its terms, for the period of time that the petitioner requests, but not more than 4 years, except as provided in par. (d). An injunction granted under this subsection is not voided if the petitioner allows or initiates contact with the respondent or by the admittance of the respondent into a dwelling that the injunction directs him or her to avoid.

2. When an injunction expires, the court shall extend the injunction if the petitioner states that an extension is necessary to protect him or her. This extension shall remain in effect until 4 years after the date the court first entered the injunction, except as provided in par. (d).

4. Notice need not be given to the respondent before extending an injunction under subd. 2. The clerk of courts shall notify the respondent after the court extends an injunction under subd. 2.

(d)1. A judge or circuit court commissioner may, upon issuing an injunction or granting an extension of an injunction issued under this subsection, order that the injunction is in effect for not more than 10 years, if the court finds, by a preponderance of the evidence stated on the record, that any of the following is true:

a. There is a substantial risk that the respondent may commit first-degree intentional homicide under s. 940.01, or 2nd-degree intentional homicide under s. 940.05, against the petitioner.

b. There is a substantial risk that the respondent may commit sexual assault under s. 940.225(1), (2), or (3), or under s. 948.02(1) or (2), against the petitioner.

2. This paragraph does not prohibit a petitioner from requesting a new temporary restraining order under sub. (3) or injunction under this subsection before or at the expiration of a previously entered order or injunction.

(4g) Order; telephone services. (a) Unless a condition described in par. (b) exists, a judge or circuit court commissioner who issues an injunction under sub. (4) may, upon request by the petitioner, order a wireless telephone service provider to transfer to the petitioner the right to continue to use a telephone number or numbers indicated by the petitioner and the

financial responsibility associated with the number or numbers, as set forth in par. (c). The petitioner may request transfer of each telephone number he or she, or a minor child in his or her custody, uses. The order shall contain all of the following:

1. The name and billing telephone number of the account holder.
2. Each telephone number that will be transferred.
3. A statement that the provider transfers to the petitioner all financial responsibility for and right to the use of any telephone number transferred under this subsection. In this subdivision, "financial responsibility" includes monthly service costs and costs associated with any mobile device associated with the number.

(b) A wireless telephone service provider shall terminate the respondent's use of, and shall transfer to the petitioner use of, the telephone number or numbers indicated in par. (a) unless it notifies the petitioner, within 72 hours after it receives the order, that one of the following applies:

1. The account holder named in the order has terminated the account.
2. A difference in network technology would prevent or impair the functionality of a device on a network if the transfer occurs.
3. The transfer would cause a geographic or other limitation on network or service provision to the petitioner.
4. Another technological or operational issue would prevent or impair the use of the telephone number if the transfer occurs.

(c) The petitioner assumes all financial responsibility for and right to the use of any telephone number transferred under this subsection. In this paragraph, "financial responsibility" includes monthly service costs and costs associated with any mobile device associated with the number.

(d) A wireless telephone service provider may apply to the petitioner its routine and customary requirements for establishing an account or transferring a number, including requiring the petitioner to provide proof of identification, financial information, and customer preferences.

(e) A wireless telephone service provider is immune from civil liability for its actions taken in compliance with a court order issued under this subsection.

(4m) Notice of restriction on firearm possession; surrender of firearms. (a) An injunction

issued under sub. (4) shall do all of the following:

1. Inform the respondent named in the petition of the requirements and penalties under s. 941.29 and any similar applicable federal laws and penalties.
2. Except as provided in par. (ag), require in writing the respondent to surrender any firearms that he or she owns or has in his or her possession to the sheriff of the county in which the action under this section was commenced, to the sheriff of the county in which the respondent resides or to another person designated by the respondent and approved by the judge or circuit court commissioner, in accordance with s. 813.1285.

(ag) If the respondent is a peace officer, an injunction issued under sub. (4) may not require the respondent to surrender a firearm that he or she is required, as a condition of employment, to possess whether or not he or she is on duty.

(5) Petition. (a) The petition shall allege facts sufficient to show the following:

1. The name of the petitioner and that the petitioner is the alleged victim.
2. The name of the respondent and that the respondent is an adult.
3. That the respondent engaged in, or based on prior conduct of the petitioner and the respondent may engage in, domestic abuse of the petitioner.
4. If the petitioner knows of any other court proceeding in which the petitioner is a person affected by a court order or judgment that includes provisions regarding contact with the respondent, any of the following that are known by the petitioner:
 - a. The name or type of the court proceeding.
 - b. The date of the court proceeding.
 - c. The types of provisions regarding contact between the petitioner and respondent.

(am) The petition shall request that the respondent be restrained from committing acts of domestic abuse against the petitioner, that the respondent be ordered to avoid the petitioner's residence, or that the respondent be ordered to avoid contacting the petitioner or causing any person other than the respondent's attorney to contact the petitioner unless the petitioner consents to the contact in writing, or any combination of these requests.

(b) The clerk of circuit court shall provide the simplified forms provided under s. 49.165(3)(c) to help a person file a petition.

(c) A judge or circuit court commissioner shall accept any legible petition for a temporary restraining order or injunction.

(d) A petition may be prepared and filed by the person who alleges that he or she has been the subject of domestic abuse or by the guardian of an individual adjudicated incompetent in this state who has been the subject of domestic abuse.

(5g) Stipulation. If the parties enter into a stipulation to convert a petition under this section to a petition for a temporary restraining order or injunction under s. 813.125, the court may not approve that stipulation unless all of the following occur:

(a) Either or both parties submit an oral request on the record for the conversion explaining why the conversion of the petition is requested.

(b) The court addresses the petitioner personally and determines that the petitioner entered into the stipulation voluntarily and with an understanding of the differences between the orders issued under subs. (4) and (4m) and s. 813.125(4) and (4m).

(5m) Confidentiality of victim's address. The petition under sub. (5) and the court order under sub. (3) , (4), or (4g) may not disclose the address of the alleged victim. The petitioner shall provide the clerk of circuit court with the petitioner's address when he or she files a petition under this section. The clerk shall maintain the petitioner's address in a confidential manner.

(6) Enforcement assistance. (a) If an order is issued under this section, upon request by the petitioner the court or circuit court commissioner shall order the sheriff to accompany the petitioner and assist in placing him or her in physical possession of his or her residence.

(ag)1. The clerk of the circuit court shall forward to the sheriff any temporary restraining order, injunction, or other document or notice that must be served on the respondent under this section and the sheriff shall assist the petitioner in executing or serving the temporary restraining order, injunction, or other document or notice on the respondent. The petitioner may, at his or her expense, elect to use a private server to effect service.

2. If the petitioner elects service by the sheriff, the clerk of circuit court shall provide a form supplied by the sheriff to the petitioner that allows the petitioner to provide information about the respondent that may be useful to the sheriff in effecting service. The clerk shall forward the completed form to the sheriff. The clerk shall maintain the form provided under this subdivision in a confidential manner.

(am)1. If an injunction is issued or extended under sub. (4) or if a tribal injunction is filed under s. 813.128(3g), the clerk of the circuit court shall notify the department of justice of the injunction and shall provide the department of justice with information concerning the period during which the injunction is in effect and information necessary to identify the respondent for purposes of responding to a request under s. 165.63 or for purposes of a firearms restrictions record search under s. 175.35(2g)(c) or a background check under s. 175.60(9g)(a).

2. Except as provided in subd. 3., the department of justice may disclose information that it receives under subd. 1. only to respond to a request under s. 165.63 or as part of a firearms restrictions record search under s. 175.35(2g)(c) or a background check under s. 175.60(9g)(a).

3. The department of justice shall disclose any information that it receives under subd. 1. to a law enforcement agency when the information is needed for law enforcement purposes.

(b) Within one business day after an order or injunction is issued, extended, modified or vacated under this section, the clerk of the circuit court shall send a copy of the order or injunction, or of the order extending, modifying or vacating an order or injunction, to the sheriff or to any other local law enforcement agency which is the central repository for orders and injunctions and which has jurisdiction over the petitioner's premises.

(c) No later than 24 hours after receiving the information under par. (b), the sheriff or other appropriate local law enforcement agency under par. (b) shall enter the information concerning an order or injunction issued, extended, modified or vacated under this section into the transaction information for management of enforcement system. The sheriff or other appropriate local law enforcement agency shall also make available to other law enforcement agencies, through a verification system, information on the existence and status of any order or injunction issued under this section. The information need not be maintained after the order or injunction is no longer in effect.

(d) The issuance of an order under s. 813.12(3) or (4) is enforceable despite the existence of any other criminal or civil order restricting or prohibiting contact.

(e) A law enforcement agency and a clerk of circuit court may use electronic transmission to facilitate the exchange of documents under this section. Any person who uses electronic transmission shall ensure that the electronic transmission does not allow unauthorized disclosure of the documents transmitted.

(7) Arrest.

(am) A law enforcement officer shall arrest and take a person into custody if all of the following occur:

1. A petitioner under sub. (5) presents the law enforcement officer with a copy of a court order issued under sub. (3) or (4), or the law enforcement officer determines that such an order exists through communication with appropriate authorities.
2. The law enforcement officer has probable cause to believe that the person has violated the court order issued under sub. (3) or (4) by any circuit court in this state.

(c) A respondent who does not appear at a hearing at which the court orders an injunction under sub. (4) but who has been served with a copy of the petition and notice of the time for hearing under sub. (4)(a)2. has constructive knowledge of the existence of the injunction and shall be arrested for violation of the injunction regardless of whether he or she has been served with a copy of the injunction.

(7m) Transcripts. The judge or circuit court commissioner shall record the temporary restraining order or injunction hearing upon the request of the petitioner.

(8) Penalty.

(a) Whoever knowingly violates a temporary restraining order or injunction issued under sub. (3) or (4) shall be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

(b) The petitioner does not violate the court order under sub. (3) or (4) if he or she admits into his or her residence a person ordered under sub. (3) or (4) to avoid that residence.

(9) Notice of full faith and credit. An order or injunction issued under sub. (3) or (4) shall include a statement that the order or injunction may be accorded full faith and credit in every civil or criminal court of the United States, civil or criminal courts of any other state and Indian tribal courts to the extent that such courts may have personal jurisdiction over nontribal members.



Wis. Stat. Ann. § 813.12(1) defines the terms used in this statutory provision. These

<p>definitions are included above in the section "Select Definitions."</p>	
<p>Child Abuse Restraining Orders and Injunctions.</p> <p>(2) Commencement of action and response.</p> <p>(a) No action under this section may be commenced by complaint and summons. An action under this section may be commenced only by a petition described under sub. (6)(a). The action commences with service of the petition upon the respondent if a copy of the petition is filed before service or promptly after service. Notwithstanding s. 803.01(3)(a), the child victim or a parent, stepparent or legal guardian of the child victim may be a petitioner under this section. Section 813.06 does not apply to an action under this section. The respondent may respond to the petition either in writing before or at the hearing on the issuance of the injunction or orally at that hearing. The court shall inform the petitioner in writing that, if the petitioner chooses to have the documents in the action served by the sheriff, the petitioner should contact the sheriff to verify the proof of service of the petition.</p> <p>(b) When the respondent is served with the petition under this subsection, the person who serves the respondent shall also provide the respondent with all of the following information:</p> <ol style="list-style-type: none"> 1. Notice of the requirements and penalties under s. 941.29 and notice of any similar applicable federal laws and penalties. 2. An explanation of s. 813.1285, including the procedures for surrendering a firearm and the circumstances listed under s. 813.1285 under which a respondent must appear at a hearing to surrender firearms. 3. A firearm possession form developed under s. 813.1285(5)(a), with instructions for completing and returning the form. <p>(3) General procedure.</p> <p>(a) Procedure for an action under this section is in 2 parts. First, if the petitioner requests a temporary restraining order, the court or circuit court commissioner shall issue or refuse to issue that order. Second, the court shall hold a hearing under sub. (5) on whether to issue an injunction, which is the final relief. If the court or circuit court commissioner issues a temporary restraining order, the order shall set forth the date for the hearing on an injunction.</p>	<p>Wis. Stat. Ann. § 813.122(2)–(12).</p>

If the court or circuit court commissioner does not issue a temporary restraining order, the date for the hearing shall be set upon motion by either party.

(b) 1m. Except as provided in subd. 2m., the court or circuit court commissioner, on its or his or her own motion or the motion of any party, may order that a guardian ad litem be appointed for the child victim in accordance with s. 48.235.

2m. The court or circuit court commissioner shall appoint a guardian ad litem if the respondent is a parent of the child.

(bp) All persons, other than the parties, their attorneys, witnesses, child victim advocates, service representatives, as defined in s. 895.45(1)(c), court personnel and any guardian ad litem, shall be excluded from any hearing under this section.

(bq) Any record of an action under this section is confidential and is available only to the parties, their attorneys, any guardian ad litem, court personnel, the child victim, law enforcement, and any applicable court upon appeal, except that a record may be available to any other person as required by law, as necessary to effect service, or upon a court order for good cause shown.

(c) An action under this section may pertain to more than one child victim.

(4) Temporary restraining order.

(a) A judge or circuit court commissioner shall issue a temporary restraining order ordering the respondent to avoid the child victim's residence or any premises temporarily occupied by the child victim or both, to avoid contacting or causing any person other than a party's attorney to contact the child victim unless the petitioner consents in writing and the judge or circuit court commissioner agrees that the contact is in the best interests of the child victim, to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet, and to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet, if all of the following occur:

1. The petitioner submits to the judge or circuit court commissioner a petition alleging the elements set forth under sub. (6)(a).
2. The judge or circuit court commissioner finds reasonable grounds to believe that the respondent has engaged in, or based on prior conduct of the child victim and the respondent may engage in, abuse of the child victim.

(b) Notice need not be given to the respondent before issuing a temporary restraining order

under this subsection. A temporary restraining order may be entered only against the respondent named in the petition.

(c) The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (5), except that the court may extend the temporary restraining order under s. 813.1285. A judge shall hold a hearing on issuance of an injunction within 14 days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties, extended under s. 801.58(2m), or extended once for 14 days upon a finding that the respondent has not been served with a copy of the temporary restraining order although the petitioner has exercised due diligence. A judge or court commissioner may not extend the temporary restraining order in lieu of ruling on the issuance of an injunction.

(5) Injunction.

(a) A judge may grant an injunction ordering the respondent to avoid the child victim's residence or any premises temporarily occupied by the child victim or both, to avoid contacting or causing any person other than a party's attorney to contact the child victim unless the petitioner consents to that contact in writing and the judge agrees that the contact is in the best interests of the child victim, to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet, and to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet, if all of the following occur:

1. The petitioner files a petition alleging the elements set forth under sub. (6)(a).
2. The petitioner serves upon the respondent a copy of the petition and notice of the time for hearing on the issuance of the injunction, or the respondent serves upon the petitioner notice of the time for hearing on the issuance of the injunction.
3. After hearing, the judge finds reasonable grounds to believe that the respondent has engaged in, or based upon prior conduct of the child victim and the respondent may engage in, abuse of the child victim.

(b) If the respondent is the parent of the child victim, the judge shall modify the order under par. (a) to provide the parent reasonable visitation rights, unless the judge finds that visitation would endanger the child's physical, mental or emotional health. The judge may provide

<p>that any authorized visitation be supervised.</p> <p>(c) The injunction may be entered only against the respondent named in the petition.</p> <p>(d)1. An injunction under this subsection is effective according to its terms, but, except as provided in par. (dm), for not more than 2 years or until the child victim attains 18 years of age, whichever occurs first.</p> <p>2. When an injunction expires, the court shall extend the injunction if the petitioner states that an extension is necessary to protect the child victim. This extension shall remain in effect until 6 months after the date the court first entered the injunction or until the child attains 18 years of age, whichever occurs first, except as provided in par. (dm).</p> <p>3. If the petitioner states that an extension is necessary to protect the child victim, the court may extend the injunction for not more than 2 years or until the child attains 18 years of age, whichever occurs first, except as provided in par. (dm).</p> <p>4. Notice need not be given to the respondent before extending an injunction under subd. 2. or 3. The clerk of courts shall notify the respondent after the court extends an injunction under subd. 2. or 3.</p> <p>(dm)1. A judge may, upon issuing an injunction or granting an extension of an injunction issued under this subsection, order that the injunction is in effect for not more than 5 years, if the court finds, by a preponderance of the evidence stated on the record, that any of the following is true:</p> <p>a. There is a substantial risk that the respondent may commit first-degree intentional homicide under s. 940.01, or 2nd-degree intentional homicide under s. 940.05, against the child victim.</p> <p>b. There is a substantial risk that the respondent may commit sexual assault under s. 940.225(1), (2), or (3), or under s. 948.02(1) or (2), against the child victim.</p> <p>2. This paragraph does not prohibit a petitioner from requesting a new temporary restraining order under sub. (4) or injunction under this subsection before or at the expiration of a previously entered order or injunction.</p> <p>(e) An injunction under this section may direct the payment of child support using a method of calculation authorized under s. 767.511.</p> <p>(5c) Order; telephone services.</p> <p>(a) Unless a condition described in par. (b) exists, a judge or circuit court commissioner who</p>	
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issues an injunction under sub. (5) may, upon request by the petitioner, order a wireless telephone service provider to transfer to the petitioner the right to continue to use a telephone number or numbers indicated by the petitioner and the financial responsibility associated with the number or numbers, as set forth in par. (c). The petitioner may request transfer of each telephone number he or she, or a minor child in his or her custody, uses. The order shall contain all of the following:

1. The name and billing telephone number of the account holder.
2. Each telephone number that will be transferred.
3. A statement that the provider transfers to the petitioner all financial responsibility for and right to the use of any telephone number transferred under this subsection. In this subdivision, "financial responsibility" includes monthly service costs and costs associated with any mobile device associated with the number.

(b) A wireless telephone service provider shall terminate the respondent's use of, and shall transfer to the petitioner use of, the telephone number or numbers indicated in par. (a) unless it notifies the petitioner, within 72 hours after it receives the order, that one of the following applies:

1. The account holder named in the order has terminated the account.
2. A difference in network technology would prevent or impair the functionality of a device on a network if the transfer occurs.
3. The transfer would cause a geographic or other limitation on network or service provision to the petitioner.
4. Another technological or operational issue would prevent or impair the use of the telephone number if the transfer occurs.

(c) The petitioner assumes all financial responsibility for and right to the use of any telephone number transferred under this subsection. In this paragraph, "financial responsibility" includes monthly service costs and costs associated with any mobile device associated with the number.

(d) A wireless telephone service provider may apply to the petitioner its routine and customary requirements for establishing an account or transferring a number, including requiring the petitioner to provide proof of identification, financial information, and customer preferences.

(e) A wireless telephone service provider is immune from civil liability for its actions taken

<p>in compliance with a court order issued under this subsection.</p> <p>(5g) Confidentiality of addresses. The petition under sub. (6) and the court order under sub. (4), (5), or (5c) may not disclose the address of the petitioner or of the alleged child victim. The petitioner shall provide the clerk of circuit court with the address of the petitioner and of the alleged child victim when he or she files a petition under this section. The clerk shall maintain the addresses in a confidential manner.</p> <p>(5m) Notice of restriction on firearm possession; surrender of firearms. (a) An injunction issued under sub. (5) shall do all of the following:</p> <ol style="list-style-type: none"> 1. Inform the respondent named in the petition of the requirements and penalties under s. 941.29 and any similar applicable federal laws and penalties. 2. Except as provided in par. (ag), require in writing the respondent to surrender any firearms that he or she owns or has in his or her possession to the sheriff of the county in which the action under this section was commenced, to the sheriff of the county in which the respondent resides or to another person designated by the respondent and approved by the judge or circuit court commissioner, in accordance with s. 813.1285. <p>(ag) If the respondent is a peace officer, an injunction issued under sub. (5) may not require the respondent to surrender a firearm that he or she is required, as a condition of employment, to possess whether or not he or she is on duty.</p> <p>(6) Petition.</p> <p>(a) The petition shall allege facts sufficient to show the following:</p> <ol style="list-style-type: none"> 1. The name of the petitioner and the child victim. 2. The name of the respondent. 3. That the respondent engaged in, or based on prior conduct of the respondent and the child victim may engage in, abuse of the child victim. 4. If the payment of child support is requested, that the payment of child support is reasonable or necessary based on criteria provided under s. 767.511. 5. If the petitioner knows of any other court proceeding in which the petitioner is a person affected by a court order or judgment that includes provisions regarding contact with the respondent, any of the following that are known by the petitioner: 	
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<p>a. The name or type of the court proceeding. b. The date of the court proceeding. c. The types of provisions regarding contact between the petitioner and respondent. (b) Upon request, the clerk of circuit court shall provide, without cost, the simplified forms obtained under s. 48.47(7)(d) to a petitioner.</p> <p>(7) Contact. Any order under this section directing a person to avoid contact with a child victim prohibits the person from knowingly touching, meeting, communicating or being in visual or audio contact with the child victim, except as provided in any modifications of the order under sub. (5)(b).</p> <p>(9) Enforcement assistance. (a)1. The clerk of the circuit court shall forward to the sheriff any temporary restraining order, injunction, or other document or notice that must be served on the respondent under this section and the sheriff shall assist the petitioner in executing or serving the temporary restraining order, injunction, or other document or notice on the respondent. The petitioner may, at his or her expense, elect to use a private server to effect service. 2. If the petitioner elects service by the sheriff, the clerk of circuit court shall provide a form supplied by the sheriff to the petitioner that allows the petitioner to provide information about the respondent that may be useful to the sheriff in effecting service. The clerk shall forward the completed form to the sheriff. The clerk shall maintain the form provided under this subdivision in a confidential manner. (am)1. If an injunction is issued or extended under sub. (5), the clerk of the circuit court shall notify the department of justice of the injunction and shall provide the department of justice with information concerning the period during which the injunction is in effect and information necessary to identify the respondent for purposes of responding to a request under s. 165.63 or for purposes of a firearms restrictions record search under s. 175.35(2g)(c) or a background check under s. 175.60(9g)(a). 2. Except as provided in subd. 3., the department of justice may disclose information that it receives under subd. 1. only to respond to a request under s. 165.63 or as part of a firearms restrictions record search under s. 175.35(2g)(c) or a background check under s. 175.60(9g)(a).</p>	
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3. The department of justice shall disclose any information that it receives under subd. 1. to a law enforcement agency when the information is needed for law enforcement purposes.

(b) Within one business day after an order or injunction is issued, extended, modified or vacated under this section, the clerk of the circuit court shall send a copy of the order or injunction, or of the order extending, modifying or vacating an order or injunction, to the sheriff or to any other local law enforcement agency which is the central repository for orders and injunctions and which has jurisdiction over the child victim's premises.

(c) The sheriff or other appropriate local law enforcement agency under par. (b) shall enter the information received under par. (b) concerning an order or injunction issued, extended, modified or vacated under this section into the transaction information for management of enforcement system no later than 24 hours after receiving the information and shall make available to other law enforcement agencies, through a verification system, information on the existence and status of any order or injunction issued under this section. The information need not be maintained after the order or injunction is no longer in effect.


(d) A law enforcement agency and a clerk of circuit court may use electronic transmission to facilitate the exchange of documents under this section. Any person who uses electronic transmission shall ensure that the electronic transmission does not allow unauthorized disclosure of the documents transmitted.

(10) Arrest.

(am) A law enforcement officer shall arrest and take a person into custody if all of the following occur:

1. A petitioner under sub. (6)(a) presents the law enforcement officer with a copy of an order issued under sub. (4) or (5), or the law enforcement officer determines that such an order exists through communication with appropriate authorities.
2. The law enforcement officer has probable cause to believe that the person has violated the order issued under sub. (4) or (5).

(c) A respondent who does not appear at a hearing at which the court orders an injunction under sub. (5) but who has been served with a copy of the petition and notice of the time for hearing under sub. (5)(a)2. has constructive knowledge of the existence of the injunction and shall be arrested for violation of the injunction regardless of whether he or she has been served with a copy of the injunction.

<p>(11) Penalty. Whoever knowingly violates a temporary restraining order or injunction issued under this section shall be fined not more than \$1,000 or imprisoned for not more than 9 months or both.</p> <p>(12) Notice of full faith and credit. An order or injunction issued under sub. (4) or (5) shall include a statement that the order or injunction may be accorded full faith and credit in every civil or criminal court of the United States, civil or criminal courts of any other state and Indian tribal courts to the extent that such courts may have personal jurisdiction over nontribal members.</p> <p> Wis. Stat. Ann. § 813.122(1) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Restraining Orders and Injunctions for Individuals at Risk.</p> <p>(2) Commencement of action and response.</p> <p>(a) No action under this section may be commenced by complaint and summons. An action under this section may be commenced only by a petition described under sub. (6). The action commences with service of the petition upon the respondent if a copy of the petition is filed before service or promptly after service. The individual at risk, any person acting on behalf of an individual at risk, an elder-adult-at-risk agency, or an adult-at-risk agency may be a petitioner under this section. If the petition is filed by a person other than the individual at risk, the petitioner shall serve a copy of the petition on the individual at risk. Section 813.06 does not apply to an action under this section. The respondent may respond to the petition either in writing before or at the hearing on the issuance of the injunction or orally at that hearing. The court shall inform the petitioner in writing that, if the petitioner chooses to have the documents in the action served by the sheriff, the petitioner should contact the sheriff to verify the proof of service of the petition.</p> <p>(b) The court may go forward with a petition filed under sub. (6) if the individual at risk has been adjudicated incompetent under ch. 880, 2003 stats., or ch. 54, notwithstanding an</p>	<p>Wis. Stat. Ann. § 813.123(2)–(12).</p>

objection by an individual at risk who is the subject of the petition, or an objection by the guardian of the individual at risk.

(3) General procedure.

(a) Procedure for an action under this section is in 2 parts. First, if the petitioner requests a temporary restraining order, the court or circuit court commissioner shall issue or refuse to issue that order. Second, the court shall hold a hearing under sub. (5) on whether to issue an injunction, which is the final relief. If the court or circuit court commissioner issues a temporary restraining order, the order shall set forth the date for the hearing on an injunction. If the court or circuit court commissioner does not issue a temporary restraining order, the date for the hearing shall be set upon motion by either party.

(b) The court or circuit court commissioner, on its or his or her own motion or the motion of any party, shall order that a guardian ad litem be appointed for the individual at risk, if the petition under sub. (6) was filed by a person other than the individual at risk, and may order that a guardian ad litem be appointed in other instances when justice so requires.

(c) The court or circuit court commissioner, on its or his or her own motion or the motion of any party, may order any of the following:

1. That all persons, other than the individual at risk, the parties, their attorneys, a representative of the adult-at-risk agency or elder-adult-at-risk agency, witnesses, court personnel, and any guardian or any guardian ad litem, be excluded from any hearing under this section.

2. That access to any record of an action under this section be available only to the individual at risk, the parties, their attorneys, any guardian or any guardian ad litem, the adult-at-risk agency or elder-adult-at-risk agency, court personnel, and, upon appeal, any applicable court.

(4) Temporary restraining order.

(a) Unless the individual at risk, guardian, or guardian ad litem consents in writing and the judge or circuit court commissioner agrees that the contact is in the best interests of the individual at risk, a judge or circuit court commissioner shall issue a temporary restraining order, as specified in par. (ar), if all of the following occur:

1. The petitioner submits to the judge or circuit court commissioner a petition alleging the

<p>elements set forth under sub. (6).</p> <p>2. The judge or circuit court commissioner finds reasonable grounds to believe any of the following:</p> <p>a. That the respondent has interfered with or, based on prior conduct of the respondent, may interfere with an investigation of the individual at risk, the delivery of protective services to or a protective placement of the individual at risk under ch. 55, or the delivery of services to an elder adult at risk under s. 46.90(5m); and that the interference complained of, if continued, would make it difficult to determine whether abuse, financial exploitation, neglect, or self-neglect has occurred, is occurring, or may recur.</p> <p>b. That the respondent engaged in or threatened to engage in the abuse, financial exploitation, neglect, harassment, or stalking of an individual at risk or the mistreatment of an animal.</p> <p>(ar) A temporary restraining order issued under par. (a) shall order the respondent to do one or more of the following:</p> <p>1. Avoid interference with an investigation of the elder adult at risk under s. 46.90 or the adult at risk under s. 55.043, the delivery of protective services to or a protective placement of the individual at risk under ch. 55, or the delivery of services to the elder adult at risk under s. 46.90(5m).</p> <p>2. Cease engaging in or threatening to engage in the abuse, financial exploitation, neglect, harassment, or stalking of an individual at risk or mistreatment of an animal.</p> <p>2m. Refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet and allow the individual at risk or a guardian, guardian ad litem, family member, or household member of the individual at risk acting on his or her behalf to retrieve a household pet.</p> <p>3. Avoid the residence of the individual at risk or any other location temporarily occupied by the individual at risk, or both.</p> <p>4. Avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the individual at risk.</p> <p>5. Engage in any other appropriate remedy not inconsistent with the remedies requested in the petition.</p> <p>(b) Notice need not be given to the respondent before issuing a temporary restraining order under this subsection. A temporary restraining order may be entered only against the respondent named in the petition.</p>	
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(c) The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (5), except that the court may extend the temporary restraining order under s. 813.1285. A judge shall hold a hearing on issuance of an injunction within 14 days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties, extended under s. 801.58(2m), or extended once for 14 days upon a finding that the respondent has not been served with a copy of the temporary restraining order although the petitioner has exercised due diligence. A judge or court commissioner may not extend the temporary restraining order in lieu of ruling on the issuance of an injunction.

(5) Injunction. (a) Unless the individual at risk, guardian, or guardian ad litem consents in writing to a contact and the judge agrees that the contact is in the best interests of the individual at risk, a judge may grant an injunction ordering the respondent as specified in par. (ar), if all of the following occur:

1. The petitioner files a petition alleging the elements set forth under sub. (6).
2. The petitioner serves upon the respondent a copy of the petition and notice of the time for hearing on the issuance of the injunction, or the respondent serves upon the petitioner notice of the time for hearing on the issuance of the injunction. The notice served under this subdivision shall inform the respondent that, if the judge or circuit court commissioner issues an injunction, the judge or circuit court commissioner may also order the respondent not to possess a firearm while the injunction is in effect. The person who serves the respondent with the notice shall also provide the respondent with all of the following information:
 - a. Notice of the requirements and penalties under s. 941.29 and notice of any similar applicable federal laws and penalties.
 - b. An explanation of s. 813.1285, including the procedures for surrendering a firearm and the circumstances listed under s. 813.1285 under which a respondent must appear at a hearing to surrender firearms.
 - c. A firearm possession form developed under s. 813.1285(5)(a), with instructions for completing and returning the form.
3. After hearing, the judge finds reasonable cause to believe any of the following:
 - a. That the respondent has interfered with or, based upon prior conduct of the respondent, may interfere with an investigation of the elder adult at risk under s. 46.90 or the adult at

risk under s. 55.043 and that the interference complained of, if continued, would make it difficult to determine if abuse, financial exploitation, neglect, harassment, or stalking of an individual at risk or mistreatment of an animal is occurring or may recur.

b. That the respondent has interfered with the delivery of protective services to or a protective placement of the individual at risk under ch. 55 after the offer of protective services or protective placement has been made and the individual at risk or his or her guardian, if any, has consented to receipt of the protective services or protective placement; or that the respondent has interfered with the delivery of services to an elder adult at risk under s. 46.90(5m).

c. That the respondent has engaged in or threatened to engage in the abuse, financial exploitation, neglect, harassment, or stalking of an individual at risk or the mistreatment of an animal.

(ar) An injunction granted under par. (a) shall order the respondent to do one or more of the following:

1. Avoid interference with an investigation of the elder adult at risk under s. 46.90 or the adult at risk under s. 55.043, the delivery of protective services to or a protective placement of the individual at risk under ch. 55, or the delivery of services to the elder adult at risk under s. 46.90(5m).

2. Cease engaging in or threatening to engage in the abuse, financial exploitation, neglect, harassment, or stalking of an individual at risk or the mistreatment of an animal.

2m. Refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet and allow the individual at risk or a guardian, guardian ad litem, family member, or household member of the individual at risk acting on his or her behalf to retrieve a household pet.

3. Avoid the residence of the individual at risk or any other location temporarily occupied by the individual at risk, or both.

4. Avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the individual at risk.

5. Any other appropriate remedy not inconsistent with the remedies requested in the petition.

(b) The injunction may be entered only against the respondent named in the petition.

(c)1. An injunction under this subsection is effective according to its terms, but for not more than 4 years, except as provided in par. (d).

2. When an injunction expires, the court shall extend the injunction if the petitioner states that an extension is necessary to protect the individual at risk. This extension shall remain in effect until 6 months after the date on which the court first entered the injunction, except as provided in par. (d).

3. If the petitioner states that an extension is necessary to protect the individual at risk, the court may extend the injunction for not more than 2 years, except as provided in par. (d).

4. Notice need not be given to the respondent before extending an injunction under subd. 2. or 3. The clerk of courts shall notify the respondent after the court extends an injunction under subd. 2. or 3.

(d)1. A judge may, upon issuing an injunction or granting an extension of an injunction issued under this subsection, order that the injunction is in effect for not more than 10 years, if the court finds, by a preponderance of the evidence stated on the record, that any of the following is true:

- a. There is a substantial risk that the respondent may commit first-degree intentional homicide under s. 940.01, or 2nd-degree intentional homicide under s. 940.05, against the person at risk.
- b. There is a substantial risk that the respondent may commit sexual assault under s. 940.225(1), (2), or (3), or under s. 948.02(1) or (2), against the person at risk.

2. This paragraph does not prohibit a petitioner from requesting a new temporary restraining order under sub. (4) or injunction under this subsection before or at the expiration of a previously entered order or injunction.

(5c) Order; telephone services. (a) Unless a condition described in par. (b) exists, a judge or circuit court commissioner who issues an injunction under sub. (5) may, upon request by the petitioner, order a wireless telephone service provider to transfer to the petitioner the right to continue to use a telephone number or numbers indicated by the petitioner and the financial responsibility associated with the number or numbers, as set forth in par. (c). The petitioner may request transfer of each telephone number he or she, or a minor child in his or her custody, uses. The order shall contain all of the following:

- 1. The name and billing telephone number of the account holder.
- 2. Each telephone number that will be transferred.
- 3. A statement that the provider transfers to the petitioner all financial responsibility for and

right to the use of any telephone number transferred under this subsection. In this subdivision, “financial responsibility” includes monthly service costs and costs associated with any mobile device associated with the number.

(b) A wireless telephone service provider shall terminate the respondent’s use of, and shall transfer to the petitioner use of, the telephone number or numbers indicated in par. (a) unless it notifies the petitioner, within 72 hours after it receives the order, that one of the following applies:

1. The account holder named in the order has terminated the account.
2. A difference in network technology would prevent or impair the functionality of a device on a network if the transfer occurs.
3. The transfer would cause a geographic or other limitation on network or service provision to the petitioner.
4. Another technological or operational issue would prevent or impair the use of the telephone number if the transfer occurs.

(c) The petitioner assumes all financial responsibility for and right to the use of any telephone number transferred under this subsection. In this paragraph, “financial responsibility” includes monthly service costs and costs associated with any mobile device associated with the number.

(d) A wireless telephone service provider may apply to the petitioner its routine and customary requirements for establishing an account or transferring a number, including requiring the petitioner to provide proof of identification, financial information, and customer preferences.

(e) A wireless telephone service provider is immune from civil liability for its actions taken in compliance with a court order issued under this subsection.

(5g) Confidentiality of addresses. The petition under sub. (6) and the court order under sub. (4), (5), or (5c) may not disclose the address of the petitioner or of the individual at risk. The petitioner shall provide the clerk of circuit court with the address of the petitioner and of the individual at risk when he or she files a petition under this section. The clerk shall maintain the addresses in a confidential manner.

(5m) Restriction on firearm possession; surrender of firearms.

(a) If a judge or circuit court commissioner issues an injunction under sub. (5) and the judge or circuit court commissioner determines, based on clear and convincing evidence presented at the hearing on the issuance of the injunction, that the respondent may use a firearm to cause physical harm to another or to endanger public safety, the judge or circuit court commissioner may prohibit the respondent from possessing a firearm.

(b) An order prohibiting a respondent from possessing a firearm issued under par. (a) remains in effect until the expiration of the injunction issued under sub. (5).

(c) An order issued under par. (a) that prohibits a respondent from possessing a firearm shall do all of the following:

1. Inform the respondent named in the petition of the requirements and penalties under s. 941.29 and any similar applicable federal laws and penalties.
2. Except as provided in par. (d), require in writing the respondent to surrender any firearms that he or she owns or has in his or her possession to the sheriff of the county in which the action under this section was commenced, to the sheriff of the county in which the respondent resides, or to another person designated by the respondent and approved by the judge or circuit court commissioner, in accordance with s. 813.1285.

(d) If the respondent is a peace officer, an order issued under par. (a) may not require the respondent to surrender a firearm that he or she is required, as a condition of employment, to possess whether or not he or she is on duty.

(6) Petition. The petition shall allege facts sufficient to show the following:

- (a) The name of the petitioner and the individual at risk.
- (b) The name of the respondent and that the respondent is an adult.
- (c) That the respondent interfered with or, based on prior conduct of the respondent, may interfere with an investigation of the elder adult at risk under s. 46.90(5), an investigation of the adult at risk under s. 55.043, the delivery of protective services to or a protective placement of the individual at risk under ch. 55, or the delivery of services to the elder adult at risk under s. 46.90(5m); or that the respondent engaged in, or threatened to engage in, the abuse, financial exploitation, neglect, stalking, or harassment of an individual at risk or mistreatment of an animal.
- (d) If the petitioner knows of any other court proceeding in which the petitioner is a person affected by a court order or judgment that includes provisions regarding contact with the

<p>respondent, any of the following that are known by the petitioner:</p> <ol style="list-style-type: none"> 1. The name or type of the court proceeding. 2. The date of the court proceeding. 3. The type of provisions regarding contact between the petitioner and respondent. <p>(7) Interference order. Any order under sub. (4)(ar)1. or 2. or (5)(ar)1. or 2. also shall prohibit the respondent from intentionally preventing a representative or employee of the county protective services agency from meeting, communicating, or being in visual or audio contact with the adult at risk, except as provided in the order.</p> <p>(8) Enforcement assistance.</p> <p>(a)1. The clerk of the circuit court shall forward to the sheriff any temporary restraining order, injunction, or other document or notice that must be served on the respondent under this section and the sheriff shall assist the petitioner in executing or serving the temporary restraining order, injunction, or other document or notice on the respondent. The petitioner may, at his or her expense, elect to use a private server to effect service.</p> <p>2. If the petitioner elects service by the sheriff, the clerk of circuit court shall provide a form supplied by the sheriff to the petitioner that allows the petitioner to provide information about the respondent that may be useful to the sheriff in effecting service. The clerk shall forward the completed form to the sheriff. The clerk shall maintain the form provided under this subdivision in a confidential manner.</p> <p>(b) Within one business day after an order or injunction is issued, extended, modified or vacated under this section, the clerk of circuit court shall send a copy of the order or injunction, or of the order extending, modifying or vacating an order or injunction, to the sheriff or to any other local law enforcement agency which is the central repository for orders and injunctions and which has jurisdiction over the vulnerable adult's premises.</p> <p>(c) The sheriff or other appropriate local law enforcement agency under par. (b) shall enter the information received under par. (b) concerning an order or injunction issued, extended, modified or vacated under this section into the transaction information for management of enforcement system no later than 24 hours after receiving the information and shall make available to other law enforcement agencies, through a verification system, information on the existence and status of any order or injunction issued under this section. The information</p>	
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need not be maintained after the order or injunction is no longer in effect.

(d) A law enforcement agency and a clerk of circuit court may use electronic transmission to facilitate the exchange of documents under this section. Any person who uses electronic transmission shall ensure that the electronic transmission does not allow unauthorized disclosure of the documents transmitted.

(8m) Notice to department of justice.

(a) If an order prohibiting a respondent from possessing a firearm is issued under sub. (5m), the clerk of the circuit court shall notify the department of justice of the existence of the order prohibiting a respondent from possessing a firearm and shall provide the department of justice with information concerning the period during which the order is in effect and information necessary to identify the respondent for purposes of responding to a request under s. 165.63 or for purposes of a firearms restrictions record search under s. 175.35(2g)(c) or a background check under s. 175.60(9g)(a).

(b) Except as provided in par. (c), the department of justice may disclose information that it receives under par. (a) only to respond to a request under s. 165.63 or as part of a firearms restrictions record search under s. 175.35(2g)(c) or a background check under s. 175.60(9g)(a).


(c) The department of justice shall disclose any information that it receives under par. (a) to a law enforcement agency when the information is needed for law enforcement purposes.

(9) Arrest.

(am) A law enforcement officer shall arrest and take a person into custody if all of the following occur:

1. A petitioner presents the law enforcement officer with a copy of an order issued under sub. (4) or an injunction issued under sub. (5), or the law enforcement officer determines that such an order exists through communication with appropriate authorities.
2. The law enforcement officer has probable cause to believe that the person has violated the order issued under sub. (4) or the injunction issued under sub. (5).

(c) A respondent who does not appear at a hearing at which the court orders an injunction under sub. (5) but who has been served with a copy of the petition and notice of the time for hearing under sub. (5)(a)2. that includes the information required under sub. (5)(a)2. a., b.,

<p>and c. has constructive knowledge of the existence of the injunction and may be arrested for violation of the injunction regardless of whether he or she has been served with a copy of the injunction.</p> <p>(10) Penalty. Whoever intentionally violates a temporary restraining order or injunction issued under this section shall be fined not more than \$1,000 or imprisoned for not more than 9 months or both.</p> <p>(12) Notice of full faith and credit. An order or injunction issued under sub. (4) or (5) shall include a statement that the order or injunction may be accorded full faith and credit in every civil or criminal court of the United States, civil or criminal courts of any other state and Indian tribal courts to the extent that such courts may have personal jurisdiction over nontribal members.</p> <p> Wis. Stat. Ann. § 813.123(1) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Harassment Restraining Orders and Injunctions.</p> <p>(2) Commencement of action. (a) An action under this section may be commenced by filing a petition described under sub. (5)(a). No action under this section may be commenced by service of summons. The action commences with service of the petition upon the respondent if a copy of the petition is filed before service or promptly after service. If the judge or a circuit court commissioner extends the time for a hearing under sub. (3)(c) and the petitioner files an affidavit with the court stating that personal service by the sheriff or a private server under s. 801.11(1)(a) or (b) was unsuccessful because the respondent is avoiding service by concealment or otherwise, the judge or circuit court commissioner shall inform the petitioner that he or she may serve the respondent by publication of a summary of the petition as a class 1 notice, under ch. 985, and by mailing or sending a facsimile if the respondent’s post-office address or facsimile number is known or can with due diligence be ascertained. The mailing or sending of a facsimile may be omitted if the post-office address or facsimile</p>	<p>Wis. Stat. Ann. § 813.125(2)–(8).</p>

number cannot be ascertained with due diligence. A summary of the petition published as a class 1 notice shall include the name of the respondent and of the petitioner, notice of the temporary restraining order, and notice of the date, time, and place of the hearing regarding the injunction. The court shall inform the petitioner in writing that, if the petitioner chooses to have the documents in the action served by the sheriff, the petitioner should contact the sheriff to verify the proof of service of the petition. Section 813.06 does not apply to an action under this section.

(b) Notwithstanding s. 803.01(3)(a), a child, as defined in s. 813.122(1)(b), or a parent, stepparent, or legal guardian of a child may be a petitioner under this section.

(2g) Appointment of guardian ad litem. The court or circuit court commissioner, on its or his or her own motion, or on the motion of any party, may appoint a guardian ad litem for a child who is a party under this section when justice so requires.

(2m) Two-part procedure. If the fee under s. 814.61(1) for filing a petition under this section is waived under s. 814.61(1)(e), the procedure for an action under this section is in 2 parts. First, if the petitioner requests a temporary restraining order the court shall issue or refuse to issue that order. Second, the court shall hold a hearing under sub. (4) on whether to issue an injunction, which is the final relief. If the court issues a temporary restraining order, the order shall set forth the date for the hearing on an injunction. If the court does not issue a temporary restraining order, the date for the hearing shall be set upon motion by either party.

(3) Temporary restraining order. (a) A judge or circuit court commissioner may issue a temporary restraining order ordering the respondent to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner without the petitioner's written consent; to cease or avoid the harassment of another person; to avoid the petitioner's residence, except as provided in par. (am), or any premises temporarily occupied by the petitioner or both; to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet; to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet; or any combination of these remedies requested in the petition, if all of the following occur:

1. The petitioner files a petition alleging the elements set forth under sub. (5)(a).

2. The judge or circuit court commissioner finds reasonable grounds to believe that the respondent has engaged in harassment with intent to harass or intimidate the petitioner.

(am) If the petitioner and the respondent are not married, and the respondent owns the premises where the petitioner resides, and the petitioner has no legal interest in the premises, in lieu of ordering the respondent to avoid the petitioner's residence under par. (a) the judge or circuit court commissioner may order the respondent to avoid the premises for a reasonable time until the petitioner relocates and shall order the respondent to avoid the new residence for the duration of the order.

(b) Notice need not be given to the respondent before issuing a temporary restraining order under this subsection. A temporary restraining order may be entered only against the respondent named in the petition.

(c) The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (4), except that the court may extend the temporary restraining order under s. 813.1285. A judge or circuit court commissioner shall hold a hearing on issuance of an injunction within 14 days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties, extended under s. 801.58(2m), or extended once for 14 days upon a finding that the respondent has not been served with a copy of the temporary restraining order although the petitioner has exercised due diligence. A judge or court commissioner may not extend the temporary restraining order in lieu of ruling on the issuance of an injunction.

(d) The judge or circuit court commissioner shall advise the petitioner of the right to serve the respondent the petition by published notice if with due diligence the respondent cannot be served as provided under s. 801.11(1)(a) or (b). The clerk of circuit court shall assist the petitioner with the preparation of the notice and filing of the affidavit of printing.

(e) The judge or circuit court commissioner may not dismiss or deny granting a temporary restraining order because of the existence of a pending action or of any other court order that bars contact between the parties, nor due to the necessity of verifying the terms of an existing court order.

(4) Injunction.

(a) A judge or circuit court commissioner may grant an injunction ordering the respondent

to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner without the petitioner's written consent; to cease or avoid the harassment of another person; to avoid the petitioner's residence, except as provided in par. (am), or any premises temporarily occupied by the petitioner or both; to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet; to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet; or any combination of these remedies requested in the petition, if all of the following occur:

1. The petitioner has filed a petition alleging the elements set forth under sub. (5)(a).
2. The petitioner serves upon the respondent a copy of a restraining order obtained under sub. (3) and notice of the time for the hearing on the issuance of the injunction under sub. (3)(c). The restraining order or notice of hearing served under this subdivision shall inform the respondent that, if the judge or circuit court commissioner issues an injunction, the judge or circuit court commissioner may also order the respondent not to possess a firearm while the injunction is in effect. The person who serves the respondent with the order or notice shall also provide the respondent with all of the following information:
 - a. Notice of the requirements and penalties under s. 941.29 and notice of any similar applicable federal laws and penalties.
 - b. An explanation of s. 813.1285, including the procedures for surrendering a firearm and the circumstances listed under s. 813.1285 under which a respondent must appear at a hearing to surrender firearms.
 - c. A firearm possession form developed under s. 813.1285(5)(a), with instructions for completing and returning the form.
3. After hearing, the judge or circuit court commissioner finds reasonable grounds to believe that the respondent has engaged in harassment with intent to harass or intimidate the petitioner.

(aj) The judge or circuit court commissioner may not dismiss or deny granting an injunction because of the existence of a pending action or of any other court order that bars contact between the parties, nor due to the necessity of verifying the terms of an existing court order.

(am) If the petitioner and the respondent are not married, and the respondent owns the premises where the petitioner resides, and the petitioner has no legal interest in the premises, in lieu of ordering the respondent to avoid the petitioner's residence under par. (a) the judge

or circuit court commissioner may order the respondent to avoid the premises for a reasonable time until the petitioner relocates and shall order the respondent to avoid the new residence for the duration of the order.

(b) The injunction may be entered only against the respondent named in the petition.

(c) An injunction under this subsection is effective according to its terms, but for not more than 4 years, except as provided in par. (d).

(d)1. A judge or circuit court commissioner may, upon issuing an injunction or granting an extension of an injunction issued under this subsection, order that the injunction is in effect for not more than 10 years, if the court finds, by a preponderance of the evidence stated on the record, that any of the following is true:

- a. There is a substantial risk that the respondent may commit first-degree intentional homicide under s. 940.01, or 2nd-degree intentional homicide under s. 940.05, against the petitioner.
- b. There is a substantial risk that the respondent may commit sexual assault under s. 940.225(1), (2), or (3), or under s. 948.02(1) or (2), against the petitioner.

1m. Upon request by the petitioner, a judge or circuit court commissioner may order that the injunction is in effect permanently if the respondent has been convicted of a violation of s. 940.225(1) to (3) in which the petitioner was the crime victim. An order based on a finding under this subdivision is subject to review and modification under s. 813.126(1m).

2. This paragraph does not prohibit a petitioner from requesting a new temporary restraining order under sub. (3) or injunction under this subsection before or at the expiration of a previously entered order or injunction.

(4g) Order; telephone services.

(a) Unless a condition described in par. (b) exists, a judge or circuit court commissioner who issues an injunction under sub. (4) may, upon request by the petitioner, order a wireless telephone service provider to transfer to the petitioner the right to continue to use a telephone number or numbers indicated by the petitioner and the financial responsibility associated with the number or numbers, as set forth in par. (c). The petitioner may request transfer of each telephone number he or she, or a minor child in his or her custody, uses. The order shall contain all of the following:

1. The name and billing telephone number of the account holder.

2. Each telephone number that will be transferred.

3. A statement that the provider transfers to the petitioner all financial responsibility for and right to the use of any telephone number transferred under this subsection. In this subdivision, "financial responsibility" includes monthly service costs and costs associated with any mobile device associated with the number.

(b) A wireless telephone service provider shall terminate the respondent's use of, and shall transfer to the petitioner use of, the telephone number or numbers indicated in par. (a) unless it notifies the petitioner, within 72 hours after it receives the order, that one of the following applies:

1. The account holder named in the order has terminated the account.
2. A difference in network technology would prevent or impair the functionality of a device on a network if the transfer occurs.
3. The transfer would cause a geographic or other limitation on network or service provision to the petitioner.
4. Another technological or operational issue would prevent or impair the use of the telephone number if the transfer occurs.

(c) The petitioner assumes all financial responsibility for and right to the use of any telephone number transferred under this subsection. In this paragraph, "financial responsibility" includes monthly service costs and costs associated with any mobile device associated with the number.

(d) A wireless telephone service provider may apply to the petitioner its routine and customary requirements for establishing an account or transferring a number, including requiring the petitioner to provide proof of identification, financial information, and customer preferences.

(e) A wireless telephone service provider is immune from civil liability for its actions taken in compliance with a court order issued under this subsection.

(4m) Restriction on firearm possession; surrender of firearms. (a) If a judge or circuit court commissioner issues an injunction under sub. (4) and the judge or circuit court commissioner determines, based on clear and convincing evidence presented at the hearing on the issuance of the injunction, that the respondent may use a firearm to cause physical harm to another or to endanger public safety, the judge or circuit court commissioner may prohibit the

<p>respondent from possessing a firearm.</p> <p>(b) An order prohibiting a respondent from possessing a firearm issued under par. (a) remains in effect until the expiration of the injunction issued under sub. (4).</p> <p>(c) An order issued under par. (a) that prohibits a respondent from possessing a firearm shall do all of the following:</p> <ol style="list-style-type: none"> 1. Inform the respondent named in the petition of the requirements and penalties under s. 941.29 and any similar applicable federal laws and penalties. 2. Except as provided in par. (cg), require in writing the respondent to surrender any firearms that he or she owns or has in his or her possession to the sheriff of the county in which the action under this section was commenced, to the sheriff of the county in which the respondent resides or to another person designated by the respondent and approved by the judge or circuit court commissioner, in accordance with s. 813.1285. <p>(cg) If the respondent is a peace officer, an order issued under par. (a) may not require the respondent to surrender a firearm that he or she is required, as a condition of employment, to possess whether or not he or she is on duty.</p> <p>(5) Petition.</p> <p>(a) The petition shall allege facts sufficient to show the following:</p> <ol style="list-style-type: none"> 1. The name of the person who is the alleged victim. 2. The name of the respondent. 3. That the respondent has engaged in harassment with intent to harass or intimidate the petitioner. 4. If the petitioner knows of any other court proceeding in which the petitioner is a person affected by a court order or judgment that includes provisions regarding contact with the respondent, any of the following that are known by the petitioner: <ol style="list-style-type: none"> a. The name or type of the court proceeding. b. The date of the court proceeding. c. The type of provisions regarding contact between the petitioner and respondent. <p>(am) The petition shall inform the respondent that, if the judge or circuit court commissioner issues an injunction, the judge or circuit court commissioner may also order the respondent not to possess a firearm while the injunction is in effect.</p> <p>(b) The clerk of circuit court shall provide simplified forms.</p>	
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(5b) Elder person petitioner. If the petitioner is an elder person, the court shall permit the petitioner to participate in hearings under this section by telephone or live audiovisual means.

(5g) Enforcement assistance.

(a) Within one business day after an order or injunction is issued, extended, modified or vacated under this section, the clerk of the circuit court shall send a copy of the order or injunction, or of the order extending, modifying or vacating an order or injunction, to the sheriff or to any local law enforcement agency which is the central repository for orders and injunctions and which has jurisdiction over the petitioner's premises.

(b) The sheriff or other appropriate local law enforcement agency under par. (a) shall enter the information received under par. (a) concerning an order or injunction issued, extended, modified or vacated under this section into the transaction information for management of enforcement system no later than 24 hours after receiving the information and shall make available to other law enforcement agencies, through a verification system, information on the existence and status of any order or injunction issued under this section. The information need not be maintained after the order or injunction is no longer in effect.

(c) If an order is issued under this section, upon request by the petitioner the court or circuit court commissioner shall order the sheriff to accompany the petitioner and assist in placing him or her in physical possession of his or her residence.

(cm)1. The clerk of the circuit court shall forward to the sheriff any temporary restraining order, injunction, or other document or notice that must be served on the respondent under this section and the sheriff shall assist the petitioner in executing or serving the temporary restraining order, injunction, or other document or notice on the respondent. The petitioner may, at his or her expense, elect to use a private server to effect service.

2. If the petitioner elects service by the sheriff, the clerk of circuit court shall provide a form supplied by the sheriff to the petitioner that allows the petitioner to provide information about the respondent that may be useful to the sheriff in effecting service. The clerk shall forward the completed form to the sheriff. The clerk shall maintain the form provided under this subdivision in a confidential manner. If a service fee is required by the sheriff under s. 814.70(1), the petitioner shall pay the fee directly to the sheriff.

(d) The issuance of an order or injunction under sub. (3) or (4) is enforceable despite the existence of any other criminal or civil order restricting or prohibiting contact.

(e) A law enforcement agency and a clerk of circuit court may use electronic transmission to facilitate the exchange of documents under this section. Any person who uses electronic transmission shall ensure that the electronic transmission does not allow unauthorized disclosure of the documents transmitted.

(5m) Confidentiality of victim's address. The petition under sub. (5) and the court order under sub. (3), (4), or (4g) may not disclose the address of the alleged victim. The petitioner shall provide the clerk of circuit court with the petitioner's address when he or she files a petition under this section. The clerk shall maintain the petitioner's address in a confidential manner.


(5r) Notice to department of justice. (a) If an order prohibiting a respondent from possessing a firearm is issued under sub. (4m), the clerk of the circuit court shall notify the department of justice of the existence of the order prohibiting a respondent from possessing a firearm and shall provide the department of justice with information concerning the period during which the order is in effect and information necessary to identify the respondent for purposes of responding to a request under s. 165.63 or for purposes of a firearms restrictions record search under s. 175.35(2g)(c) or a background check under s. 175.60(9g)(a).


(b) Except as provided in par. (c), the department of justice may disclose information that it receives under par. (a) only to respond to a request under s. 165.63 or as part of a firearms restrictions record search under s. 175.35(2g)(c) or a background check under s. 175.60(9g)(a).



(c) The department of justice shall disclose any information that it receives under par. (a) to a law enforcement agency when the information is needed for law enforcement purposes.

(6) Arrest. (am) A law enforcement officer shall arrest and take a person into custody if all of the following occur:

1. A person named in a petition under sub. (5) presents the law enforcement officer with a copy of a court order issued under sub. (3) or (4), or the law enforcement officer determines that such an order exists through communication with appropriate authorities.

<p>2. The law enforcement officer has probable cause to believe that the person has violated the court order issued under sub. (3) or (4).</p> <p>(c) A respondent who does not appear at a hearing at which the court orders an injunction under sub. (4) but who has been served with a copy of the petition and notice of the time for hearing under sub. (4)(a)2. that includes the information required under sub. (4)(a)2. a., b., and c. has constructive knowledge of the existence of the injunction and shall be arrested for violation of the injunction regardless of whether he or she has been served with a copy of the injunction.</p> <p>(7) Penalty. Whoever violates a temporary restraining order or injunction issued under this section shall be fined not more than \$10,000 or imprisoned not more than 9 months or both.</p> <p>(8) Notice of full faith and credit. An order or injunction issued under sub. (3) or (4) shall include a statement that the order or injunction may be accorded full faith and credit in every civil or criminal court of the United States, civil or criminal courts of any other state and Indian tribal courts to the extent that such courts may have personal jurisdiction over nontribal members.</p> <p> Wis. Stat. Ann. § 813.125(1) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Evidentiary Protections: Information Concerning Crime Victims.</p> <p>In any action or proceeding under ch. 938 or chs. 967 to 979, evidence of the address of an alleged crime victim or any family member of an alleged crime victim or evidence of the name and address of any place of employment of an alleged crime victim or any family member of an alleged crime victim is relevant only if it meets the criteria under s. 904.01. District attorneys shall make appropriate objections if they believe that evidence of this information, which is being elicited by any party, is not relevant in the action or proceeding.</p>	<p>Wis. Stat. Ann. § 904.13(2).</p>

 Wis. Stat. Ann. § 904.13(1) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”	
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<p>Domestic Violence or Sexual Assault Advocate-Victim Privilege.</p> <p>(2) General rule of privilege. A victim has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made or information obtained or disseminated among the victim, a victim advocate who is acting in the scope of his or her duties as a victim advocate, and persons who are participating in providing counseling, assistance, or support services under the direction of a victim advocate, if the communication was made or the information was obtained or disseminated for the purpose of providing counseling, assistance, or support services to the victim.</p> <p>(3) Who may claim the privilege. The privilege may be claimed by the victim, by the victim’s guardian or conservator, or by the victim’s personal representative if the victim is deceased. The victim advocate may claim the privilege on behalf of the victim. The victim advocate’s authority to do so is presumed in the absence of evidence to the contrary.</p> <p>(4) Exceptions. Subsection (2) does not apply to any report concerning child abuse that a victim advocate is required to make under s. 48.981 or concerning a threat of violence in or targeted at a school that a victim advocate is required to make under s. 175.32.</p> <p>(5) Relationship to s. 905.04. If a communication or information that is privileged under sub. (2) is also a communication or information that is privileged under s. 905.04(2), the provisions of s. 905.04 supersede this section with respect to that communication or information.</p> <p> Wis. Stat. Ann. § 905.045(1) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 905.04 establishes the physician-patient, registered nurse-patient, chiropractor-patient, psychologist-patient, social worker-patient, marriage and family therapist-patient, podiatrist-patient and professional counselor-patient privileges.</p>	<p>Wis. Stat. Ann. § 905.045(2)–(5).</p>
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Depositions in Criminal Proceedings: When Victims' Deposition Testimony May Be Used in Lieu of Live Testimony; Depositions of Child Victims.

Wis. Stat. Ann. § 967.04.

(1) If it appears that a prospective witness may be unable to attend or prevented from attending a criminal trial or hearing, that the prospective witness's testimony is material and that it is necessary to take the prospective witness's deposition in order to prevent a failure of justice, the court at any time after the filing of an indictment or information may upon motion and notice to the parties order that the prospective witness's testimony be taken by deposition and that any designated books, papers, documents or tangible objects, not privileged, be produced at the same time and place. If a witness is committed pursuant to s. 969.01(3), the court shall direct that the witness's deposition be taken upon notice to the parties. After the deposition has been subscribed, the court shall discharge the witness.

(2) The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition. The notice shall state the name and address of each person to be examined. On motion of a party upon whom the notice is served, the court for cause shown may extend or shorten the time. Upon request of all defendants, unless good cause to the contrary is shown, the court may order that a deposition under this section be taken on the record by telephone or live audiovisual means.

(3) A deposition shall be taken as provided in civil actions. At the request of a party, the court may direct that a deposition be taken on written interrogatories as provided in civil actions.

(4)(a) If the state or a witness procures such an order, the notice shall inform the defendant that the defendant is required to personally attend at the taking of the deposition and that the defendant's failure so to do is a waiver of the defendant's right to face the witness whose deposition is to be taken. Failure to attend shall constitute a waiver unless the defendant was physically unable to attend.

(b) If the defendant is not in custody, the defendant shall be paid witness fees for travel and attendance. If the defendant is in custody, the defendant's custodian shall, at county expense,

produce the defendant at the taking of the deposition. If the defendant is in custody, leave to take a deposition on motion of the state shall not be granted unless all states which the custodian will enter with the defendant in going to the place the deposition is to be taken have conferred upon the officers of this state the right to convey prisoners in and through them.

(5)(a) At the trial or upon any hearing, a part or all of a deposition, so far as it is otherwise admissible under the rules of evidence, may be used if any of the following conditions appears to have been met:

1. The witness is dead.
2. The witness is out of state, unless it appears that the absence of the witness was procured by the party offering the deposition.
3. The witness is unable to attend or testify because of sickness or infirmity.
4. The party offering the deposition has been unable to procure the attendance of the witness by subpoena.

(b) Any deposition may also be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness. If only part of a deposition is offered in evidence by a party, an adverse party may require the offering party to offer all of it which is relevant to the part offered and any party may offer other parts.

(6) Objections to receiving in evidence a deposition may be made as in civil actions.

(7)(a) In any criminal prosecution or any proceeding under ch. 48 or 938, any party may move the court to order that a deposition of a child who has been or is likely to be called as a witness be taken by audiovisual means. Upon notice and hearing, the court may issue an order for such a deposition if the trial or hearing in which the child may be called will commence:

1. Prior to the child's 12th birthday; or
2. Prior to the child's 16th birthday and the court finds that the interests of justice warrant that the child's testimony be prerecorded for use at the trial or hearing under par. (b).

(b) Among the factors which the court may consider in determining the interests of justice are any of the following:

1. The child's chronological age, level of development and capacity to comprehend the significance of the events and to verbalize about them.
 2. The child's general physical and mental health.
 3. Whether the events about which the child will testify constituted criminal or antisocial conduct against the child or a person with whom the child had a close emotional relationship and, if the conduct constituted a battery or a sexual assault, its duration and the extent of physical or emotional injury thereby caused.
 4. The child's custodial situation and the attitude of other household members to the events about which the child will testify and to the underlying proceeding.
 5. The child's familial or emotional relationship to those involved in the underlying proceeding.
 6. The child's behavior at or reaction to previous interviews concerning the events involved.
 7. Whether the child blames himself or herself for the events involved or has ever been told by any person not to disclose them; whether the child's prior reports to associates or authorities of the events have been disbelieved or not acted upon; and the child's subjective belief regarding what consequences to himself or herself, or persons with whom the child has a close emotional relationship, will ensue from providing testimony.
 8. Whether the child manifests or has manifested symptoms associated with posttraumatic stress disorder or other mental disorders, including, without limitation, reexperiencing the events, fear of their repetition, withdrawal, regression, guilt, anxiety, stress, nightmares, enuresis, lack of self-esteem, mood changes, compulsive behaviors, school problems, delinquent or antisocial behavior, phobias or changes in interpersonal relationships.
 9. The number of separate investigative, administrative and judicial proceedings at which the child's testimony may be required, the likely length of time until the last such proceeding, and the mental or emotional strain associated with keeping the child's recollection of the events witnessed fresh for that period of time.
 10. Whether the use of a recorded deposition would reduce the mental or emotional strain of testifying and whether the deposition could be used to reduce the number of times the child will be required to testify.
- (8)(a) If the court orders a deposition under sub. (7), the judge shall preside at the taking of the deposition and enforce compliance with the applicable provisions of ss. 885.44 to 885.47. Notwithstanding s. 885.44(5), counsel may make objections and the judge shall make rulings

thereon as at trial. The clerk of court shall keep the certified original recording of a deposition taken under sub. (7) in a secure place. No person may inspect or copy the deposition except by order of the court upon a showing that inspection or copying is required for editing under s. 885.44(12) or for the investigation, prosecution or defense of the action in which it was authorized or the provision of services to the child.

(b) If the court orders that a deposition be taken by audiovisual means under sub. (7), the court shall do all of the following:

1. Schedule the deposition on a date when the child's recollection is likely to be fresh and at a time of day when the child's energy and attention span are likely to be greatest.
2. Schedule the deposition in a room which provides adequate privacy, freedom from distractions, informality and comfort appropriate to the child's developmental level.
3. Order a recess whenever the energy, comfort or attention span of the child or other circumstances so warrant.
4. Determine that the child understands that it is wrong to tell a lie and will testify truthfully if the child's developmental level or verbal skills are such that administration of an oath or affirmation in the usual form would be inappropriate.
5. Before questioning by the parties begins, attempt to place the child at ease, explain to the child the purpose of the deposition and identify all persons attending.
6. Allow any questioner to have an adviser to assist the questioner, and upon permission of the judge, to conduct the questioning.
7. Supervise the spatial arrangements of the room and the location, movement, and deportment of all persons in attendance.
8. Allow the child to testify while sitting on the floor, on a platform, on an appropriately sized chair, or on the lap of a trusted adult, or while moving about the room within range of the visual and audio recording equipment.
9. Permit the defendant to be in a position from which the defendant can communicate privately and conveniently with counsel.
10. Upon request, make appropriate orders for the discovery and examination by the defendant of documents and other evidence in the possession of the state which are relevant to the issues to be covered at the deposition at a reasonable time prior thereto.
11. Bar or terminate the attendance of any person whose presence is not necessary to the taking of the deposition, or whose behavior is disruptive of the deposition or unduly stressful

to the child. A reasonable number of persons deemed by the court supportive of the child or any defendant may be considered necessary to the taking of the deposition under this paragraph.

(9) In any criminal prosecution or juvenile fact-finding hearing under s. 48.31 or 938.31, the court may admit into evidence a recorded deposition taken under subs. (7) and (8) without an additional hearing under s. 908.08. In any proceeding under s. 302.113(9)(am), 302.114(9)(am), 304.06(3), or 973.10(2), the hearing examiner may order that a deposition be taken by audiovisual means and preside at the taking of the deposition using the procedure provided in subs. (7) and (8) and may admit the recorded deposition into evidence without an additional hearing under s. 908.08.




(10) If a court or hearing examiner admits a recorded deposition into evidence under sub. (9), the child may not be called as a witness at the proceeding in which it was admitted unless the court or hearing examiner so orders upon a showing that additional testimony by the child is required in the interest of fairness for reasons neither known nor with reasonable diligence discoverable at the time of the deposition by the party seeking to call the child. The testimony of a child who is required to testify under this subsection may be taken in accordance with s. 972.11(2m), if applicable.



Wis. Stat. Ann. § 950.055(2)(b) encourages counties to aid the court regarding determinations concerning the taking of depositions of child victims. This statutory provision is included above.



Wis. Stat. Ann. § 950.04(1v)(er) affords victims the right to not be compelled to submit to a pretrial interview or deposition by a defendant or defense counsel, as provided under § 971.23(6c). Wis. Stat. Ann. § 971.23(6c) states that, “[e]xcept as provided in s. 967.04, the defendant or his or her attorney may not compel a victim of a crime to submit to a pretrial interview or deposition.” Section 950.04(1v)(er) is included below.

<p>County’s Obligation to Provide Separate Waiting Area for Victims to Use During Court Proceedings.</p> <p>If an area is available and use of the area is practical, a county shall provide a waiting area for a victim or witness to use during court proceedings that is separate from any area used by the defendant, the defendant’s relatives and defense witnesses. If a separate waiting area is not available or its use is not practical, a county shall provide other means to minimize the contact between the victim or witness and the defendant, the defendant’s relatives and defense witnesses during court proceedings.</p> <p> Wis. Stat. Ann. § 950.02(4), (5) defines the terms used in this statutory provision. The definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 950.04(1v)(e) affords victims the right to be provided with separate a waiting area. This statutory provision is included above.</p> <p> Although this law is directed at court proceedings, the same concept can and should be applied to law enforcement agencies when interacting with victims, victims’ families, victims’ witnesses and the defendant, the defendants’ families and defense witnesses.</p>	<p>Wis. Stat. Ann. § 967.10(2).</p>
<p>Domestic Abuse Victims’ Rights; Law Enforcement’s Obligations Regarding Domestic Abuse Incidents; Arrests and Prosecutions.</p> <p>(2) Circumstances requiring arrest; presumption against certain arrests. (a) Notwithstanding s. 968.07(1) and except as provided in pars. (am) and (b), a law enforcement officer shall arrest and take a person into custody if: 1. The officer has reasonable grounds to believe that the person is committing or has committed domestic abuse and that the person’s actions constitute the commission of a crime; and</p>	<p>Wis. Stat. Ann. § 968.075(2)–(9).</p>

<p>2. Any of the following apply:</p> <ul style="list-style-type: none"> a. The officer has a reasonable basis for believing that continued domestic abuse against the alleged victim is likely. b. There is evidence of physical injury to the alleged victim. c. The person is the predominant aggressor. <p>(am) Notwithstanding s. 968.07(1), unless the person's arrest is required under s. 813.12(7), 813.122(10), 813.125(6), or 813.128(3g)(b) or sub. (5)(e), if a law enforcement officer identifies the predominant aggressor, it is generally not appropriate for a law enforcement officer to arrest anyone under par. (a) other than the predominant aggressor.</p> <p>(ar) In order to protect victims from continuing domestic abuse, a law enforcement officer shall consider all of the following in identifying the predominant aggressor:</p> <ul style="list-style-type: none"> 1. The history of domestic abuse between the parties, if it can be reasonably ascertained by the officer, and any information provided by witnesses regarding that history. 2. Statements made by witnesses. 3. The relative degree of injury inflicted on the parties. 4. The extent to which each person present appears to fear any party. 5. Whether any party is threatening or has threatened future harm against another party or another family or household member. 6. Whether either party acted in self-defense or in defense of any other person under the circumstances described in s. 939.48. <p>(b) If the officer's reasonable grounds for belief under par. (a)1 are based on a report of an alleged domestic abuse incident, the officer is required to make an arrest under par. (a) only if the report is received, within 28 days after the day the incident is alleged to have occurred, by the officer or the law enforcement agency that employs the officer.</p> <p>(2m) Immediate release prohibited. Unless s. 968.08 applies, a law enforcement officer may not release a person whose arrest was required under sub. (2) until the person posts bail under s. 969.07 or appears before a judge under s. 970.01(1).</p> <p>(3) Law enforcement policies.</p> <ul style="list-style-type: none"> (a) Each law enforcement agency shall develop, adopt, and implement written policies regarding procedures for domestic abuse incidents. The policies shall include, but not be 	
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<p>limited to, the following:</p> <ol style="list-style-type: none"> 1. a. A statement emphasizing that in most circumstances, other than those under sub. (2), a law enforcement officer should arrest and take a person into custody if the officer has reasonable grounds to believe that the person is committing or has committed domestic abuse and that the person's actions constitute the commission of a crime. b. A policy reflecting the requirements of subs. (2) and (2m). c. A statement emphasizing that a law enforcement officer's decision as to whether or not to arrest under this section may not be based on the consent of the victim to any subsequent prosecution or on the relationship of the parties. d. A statement emphasizing that a law enforcement officer's decision not to arrest under this section may not be based solely upon the absence of visible indications of injury or impairment. e. A statement discouraging, but not prohibiting, the arrest of more than one party. f. A statement emphasizing that a law enforcement officer, in determining whether to arrest a party, should consider whether he or she acted in self-defense or in defense of another person. 2. A procedure for the written report and referral required under sub. (4). 3. A procedure for notifying the alleged victim of the incident of the provisions in sub. (5), the procedure for releasing the arrested person and the likelihood and probable time of the arrested person's release. 4. A procedure that requires a law enforcement officer, if the law enforcement officer has reasonable grounds to believe that a person is committing or has committed domestic abuse, to inform the victim of the availability of shelters and services in his or her community, including using lists available under ss. 49.165(4)(b) and 165.93(4)(b); to give notice of legal rights and remedies available to him or her; and to provide him or her with a statement that reads substantially as follows: "If you are the victim of domestic abuse, you may contact a domestic violence victim service provider to plan for your safety and take steps to protect yourself, including filing a petition under s. 813.12 of the Wisconsin statutes for a domestic abuse injunction or under s. 813.125 of the Wisconsin statutes for a harassment injunction." <p>(am) The policies under par. (a) may provide that the law enforcement agency will share information with organizations that are eligible to receive grants under s. 49.165(2) or 165.93(2).</p>	
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(b) In the development of these policies, each law enforcement agency is encouraged to consult with community organizations and other law enforcement agencies with expertise in the recognition and handling of domestic abuse incidents.

(c) This subsection does not limit the authority of a law enforcement agency to establish policies that require arrests under more circumstances than those set forth in sub. (2), but the policies may not conflict with the presumption under sub. (2)(am).

(4) Report required where no arrest. If a law enforcement officer does not make an arrest under this section when the officer has reasonable grounds to believe that a person is committing or has committed domestic abuse and that person's acts constitute the commission of a crime, the officer shall prepare a written report stating why the person was not arrested. The report shall be sent to the district attorney's office, in the county where the acts took place, immediately after investigation of the incident has been completed. The district attorney shall review the report to determine whether the person involved in the incident should be charged with the commission of a crime.

(5) Contact prohibition.

(a)1. Unless there is a waiver under par. (c), during the 72 hours immediately following an arrest for a domestic abuse incident, the arrested person shall avoid the residence of the alleged victim of the domestic abuse incident and, if applicable, any premises temporarily occupied by the alleged victim, and avoid contacting or causing any person, other than law enforcement officers and attorneys for the arrested person and alleged victim, to contact the alleged victim.

2. An arrested person who intentionally violates this paragraph may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

(b)1. Unless there is a waiver under par. (c), a law enforcement officer or other person who releases a person arrested for a domestic abuse incident from custody less than 72 hours after the arrest shall inform the arrested person orally and in writing of the requirements under par. (a), the consequences of violating the requirements and the provisions of s. 939.621. The arrested person shall sign an acknowledgment on the written notice that he or she has received notice of, and understands the requirements, the consequences of violating the requirements and the provisions of s. 939.621. If the arrested person refuses to sign the

<p>notice, he or she may not be released from custody.</p> <p>2. If there is a waiver under par. (c) and the person is released under subd. 1, the law enforcement officer or other person who releases the arrested person shall inform the arrested person orally and in writing of the waiver and the provisions of s. 939.621.</p> <p>3. Failure to comply with the notice requirement under subd. 1 regarding a person who is lawfully released from custody bars a prosecution under par. (a), but does not affect the application of s. 939.621 in any criminal prosecution.</p> <p>(c) At any time during the 72-hour period specified in par. (a), the alleged victim may sign a written waiver of the requirements in par. (a). The law enforcement agency shall have a waiver form available.</p> <p>(d) The law enforcement agency responsible for the arrest of a person for a domestic abuse incident shall notify the alleged victim of the requirements under par. (a) and the possibility of, procedure for and effect of a waiver under par. (c).</p> <p>(e) Notwithstanding s. 968.07(1), a law enforcement officer shall arrest and take a person into custody if the officer has reasonable grounds to believe that the person has violated par. (a).</p> <p>(6) Conditional release. A person arrested and taken into custody for a domestic abuse incident is eligible for conditional release. Unless there is a waiver under sub. (5)(c), as part of the conditions of any such release that occurs during the 72 hours immediately following such an arrest, the person shall be required to comply with the requirements under sub. (5)(a) and to sign the acknowledgment under sub. (5)(b). The arrested person's release shall be conditioned upon his or her signed agreement to refrain from any threats or acts of domestic abuse against the alleged victim or other person.</p> <p>(6m) Officer immunity. A law enforcement officer is immune from civil and criminal liability arising out of a decision by the officer to arrest or not arrest an alleged offender, if the decision is made in a good faith effort to comply with this section.</p> <p>(7) Prosecution policies. Each district attorney's office shall develop, adopt and implement written policies encouraging the prosecution of domestic abuse offenses. The policies shall include, but not be limited to, the following:</p>	
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(a) A policy indicating that a prosecutor’s decision not to prosecute a domestic abuse incident should not be based:

1. Solely upon the absence of visible indications of injury or impairment;
2. Upon the victim’s consent to any subsequent prosecution of the other person involved in the incident; or
3. Upon the relationship of the persons involved in the incident.

(b) A policy indicating that when any domestic abuse incident is reported to the district attorney’s office, including a report made under sub. (4), a charging decision by the district attorney should, absent extraordinary circumstances, be made not later than 2 weeks after the district attorney has received notice of the incident.

(8) Education and training. Any education and training by the law enforcement agency relating to the handling of domestic abuse complaints shall stress enforcement of criminal laws in domestic abuse incidents and protection of the alleged victim. Law enforcement agencies and community organizations with expertise in the recognition and handling of domestic abuse incidents shall cooperate in all aspects of the training.





(9) Annual report. (a) Each district attorney shall submit an annual report to the department of justice listing all of the following:

1. The number of arrests for domestic abuse incidents in his or her county as compiled and furnished by the law enforcement agencies within the county.
 - 1m. The number of responses law enforcement made that involved a domestic abuse incident that did not result in an arrest.
2. The number of subsequent prosecutions and convictions of the persons arrested for domestic abuse incidents.

(b) The listing of the number of arrests, prosecutions and convictions under par. (a) shall include categories by statutory reference to the offense involved and include totals for all categories.



Wis. Stat. Ann. § 968.075(1) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”

<p> A promising practice is to provide victims with the required information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Prohibition on Law Enforcement Officer or District Attorney Subjecting Victims of Sexual Assault to Lie Detectors.</p> <p>(2) If a person reports to a law enforcement officer that he or she was the victim of an offense under s. 940.22(2), 940.225, 948.02(1) or (2), or 948.085, no law enforcement officer may in connection with the report order, request, or suggest that the person submit to a test using a lie detector, or provide the person information regarding tests using lie detectors unless the person requests information regarding tests using lie detectors.</p> <p>(3) If a person reports to a district attorney that he or she was the victim of an offense under s. 940.22(2), 940.225, 948.02(1) or (2), or 948.085, no district attorney may do any of the following in connection with the report:</p> <p>(a) Order that the person submit to a test using a lie detector.</p> <p>(b) Suggest or request that the person submit to a test using a lie detector without first providing the person with notice and an explanation of his or her right not to submit to such a test.</p> <p> Wis. Stat. Ann. § 111.37(1)(b) defines “lie detector” for the purposes of this statutory provision. This definition is included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 950.04(1v)(dL) affords select victims of sex offenses the right not to be subjected to a lie detector. This statutory provision is included above.</p> <p> A promising practice is to ensure that officers who work with victims of sexual offenses are aware that victims cannot be subjected to truth-telling examinations.</p>	<p>Wis. Stat. Ann. § 968.265(2)–(3).</p>

Testing for HIV Infection and Certain Communicable Diseases: District Attorney's Obligation to Apply to Court for Testing; Victim's Right to Request Testing; Hearing; Test Results.

Wis. Stat. Ann. § 968.38(2)–(5).

(2) In a criminal action under s. 940.225, 948.02, 948.025, 948.05, 948.06, 948.085, or 948.095, if all of the following apply, the district attorney shall apply to the circuit court for his or her county to order the defendant to submit to an HIV test and to a test or a series of tests to detect the presence of a sexually transmitted disease, each of which tests shall be administered by a health care professional, and to disclose the results of the test or tests as specified in sub. (4)(a) to (c):

(a) The district attorney has probable cause to believe that the alleged victim or victim has had contact with body fluid of the defendant that constitutes a significant exposure. If the defendant is convicted or found not guilty by reason of mental disease or defect, this paragraph does not apply.

(b) The alleged victim or victim who is not a minor or the parent or guardian of the alleged victim or victim who is a minor requests the district attorney to so apply for an order.

(2m) In a criminal action under s. 941.375(2) or 946.43(2m), the district attorney shall apply to the circuit court for his or her county for an order requiring the defendant to submit to a test or a series of tests administered by a health care professional to detect the presence of communicable diseases and to disclose the results of the test or tests as specified in sub. (5)(a) to (c), if all of the following apply:

(a) The district attorney has probable cause to believe that the act or alleged act of the defendant that constitutes a violation of s. 941.375(2) or 946.43(2m) carried a potential for transmitting a communicable disease to the victim or alleged victim and involved the defendant's blood, semen, vomit, saliva, urine or feces or other bodily substance of the defendant.

(b) The alleged victim or victim who is not a minor or the parent or guardian of the alleged victim or victim who is a minor requests the district attorney to apply for an order.

(3) The district attorney may apply under sub. (2) or (2m) for an order at any of the following

times, and, within those times, shall do so as soon as possible so as to enable the court to provide timely notice:


- (a) At or after the initial appearance and prior to the preliminary examination.
- (b) If the defendant waives the preliminary examination, at any time after the court binds the defendant over for trial and before a verdict is rendered.
- (c) At any time after the defendant is convicted or is found not guilty by reason of mental disease or defect.
- (d) If the court has determined that the defendant is not competent to proceed under s. 971.14 (4) and suspended the criminal proceedings, at any time after the determination that the defendant is not competent to proceed.


(4) The court shall set a time for a hearing on the matter under sub. (2) during the preliminary examination, if sub. (3)(a) applies; after the defendant is bound over for trial and before a verdict is rendered, if sub. (3)(b) applies; after conviction or a finding of not guilty by reason of mental disease or defect, if sub. (3)(c) applies; or, subject to s. 971.13(4), after the determination that the defendant is not competent, if sub. (3)(d) applies. The court shall give the district attorney and the defendant notice of the hearing at least 72 hours prior to the hearing. The defendant may have counsel at the hearing, and counsel may examine and cross-examine witnesses. If the court finds probable cause to believe that the victim or alleged victim has had contact with body fluid of the defendant that constitutes a significant exposure, the court shall order the defendant to submit to an HIV test and to a test or a series of tests to detect the presence of a sexually transmitted disease. The tests shall be performed by a health care professional. The court shall require the health care professional who performs the test to disclose the test results to the defendant, to refrain from making the test results part of the defendant's permanent medical record, and to disclose the results of the test to any of the following:


- (a) The alleged victim or victim, if the alleged victim or victim is not a minor.
- (b) The parent or guardian of the alleged victim or victim, if the alleged victim or victim is a minor.
- (c) The health care professional who provides care to the alleged victim or victim, upon request by the alleged victim or victim or, if the alleged victim or victim is a minor, by the parent or guardian of the alleged victim or victim.


(5) The court shall set a time for a hearing on the matter under sub. (2m) during the preliminary examination, if sub. (3)(a) applies; after the defendant is bound over for trial and before a verdict is rendered, if sub. (3)(b) applies; after conviction or a finding of not guilty by reason of mental disease or defect, if sub. (3)(c) applies; or, subject to s. 971.13(4), after the determination that the defendant is not competent, if sub. (3)(d) applies. The court shall give the district attorney and the defendant notice of the hearing at least 72 hours prior to the hearing. The defendant may have counsel at the hearing, and counsel may examine and cross-examine witnesses. If the court finds probable cause to believe that the act or alleged act of the defendant that constitutes a violation of s. 941.375(2) or 946.43(2m) carried a potential for transmitting a communicable disease to the victim or alleged victim and involved the defendant's blood, semen, vomit, saliva, urine or feces or other bodily substance of the defendant, the court shall order the defendant to submit to a test or a series of tests administered by a health care professional to detect the presence of any communicable disease that was potentially transmitted by the act or alleged act of the defendant. The court shall require the health care professional who performs the test to disclose the test results to the defendant. The court shall require the health care professional who performs the test to refrain from making the test results part of the defendant's permanent medical record and to disclose the results of the test to any of the following:






- (a) The alleged victim or victim, if the alleged victim or victim is not a minor.
- (b) The parent or guardian of the alleged victim or victim, if the alleged victim or victim is a minor.
- (c) The health care professional who provides care to the alleged victim or victim, upon request by the alleged victim or victim or, if the alleged victim or victim is a minor, by the parent or guardian of the alleged victim or victim.




 Wis. Stat. Ann. § 968.38(1) defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."

 Wis. Stat. Ann. § 950.04(1v)(d) affords victims the right to request an order for, and to be given the results of, testing to determine the presence of a communicable disease, as

<p>provided under §§ 938.296 or 968.38. This statutory provision is included above.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>Sex Offense Victims’ Rights at a Preliminary Examination: Courtroom Closure.</p> <p>(a) If the defendant is accused of a crime under s. 940.225, 948.02, 948.025, 948.05, 948.051, 948.06, 948.085, or 948.095, or under s. 940.302(2), if the court finds that the crime was sexually motivated, as defined in s. 980.01(5), the court may exclude from the hearing all persons who are not officers of the court, members of the complainant’s or defendant’s families or others considered by the court to be supportive of the complainant or defendant, the service representative, as defined in s. 895.45(1)(c), or other persons required to attend, if the court finds that the state or the defendant has established a compelling interest that would likely be prejudiced if the persons were not excluded. The court may consider as a compelling interest, among others, the need to protect a complainant from undue embarrassment and emotional trauma.</p> <p>(b) In making its order under this subsection, the court shall set forth specific findings sufficient to support the closure order. In making these findings, the court shall consider, and give substantial weight to, the desires, if any, of the complainant. Additional factors that the court may consider in making these findings include, but are not limited to, the complainant’s age, psychological maturity and understanding; the nature of the crime; and the desires of the complainant’s family.</p> <p>(c) The court shall make its closure order under this subsection no broader than is necessary to protect the compelling interest under par. (a) and shall consider any reasonable alternatives to full closure of the entire hearing.</p>	<p>Wis. Stat. Ann. § 970.03(4).</p>

<p>Child Victims' Rights at a Preliminary Examination: Use of Audiovisual Recording.</p> <p>At any preliminary examination, the court shall admit an audiovisual recording of a statement under s. 908.08 upon making the findings required under s. 908.08(3). The child who makes the statement need not be called as a witness and, under the circumstances specified in s. 908.08(5)(b), may not be compelled to undergo cross-examination.</p> <p> Wis. Stat. Ann. § 970.03(14)(a) defines the term “child” for the purposes of this statutory provision. This definition is included above in the section “Select Definitions.”</p>	<p>Wis. Stat. Ann. § 970.03(14)(b).</p>
<p>District Attorney's Duties to Confer, to Provide Notice of Court Proceedings, and to Provide Notice of Case Dispositions.</p> <p>(2) In any case in which a defendant has been charged with a crime, the district attorney shall, as soon as practicable, offer all of the victims in the case who have requested the opportunity an opportunity to confer with the district attorney concerning the prosecution of the case and the possible outcomes of the prosecution, including potential plea agreements and sentencing recommendations. The duty to confer under this subsection does not limit the obligation of the district attorney to exercise his or her discretion concerning the handling of any criminal charge against the defendant.</p> <p>(3) At the request of a victim, a district attorney shall make a reasonable attempt to provide the victim with notice of the date, time and place of scheduled court proceedings in a case involving the prosecution of a crime of which he or she is a victim and any changes in the date, time or place of a scheduled court proceeding for which the victim has received notice. This subsection does not apply to a proceeding held before the initial appearance to set conditions of release under ch. 969.</p> <p>(4) If a person is arrested for a crime but the district attorney decides not to charge the person with a crime, the district attorney shall make a reasonable attempt to inform all of the victims of the act for which the person was arrested that the person will not be charged with a crime</p>	<p>Wis. Stat. Ann. § 971.095(2)–(6).</p>

<p>at that time.</p> <p>(5) If a person is charged with committing a crime and the charge against the person is subsequently dismissed, the district attorney shall make a reasonable attempt to inform all of the victims of the crime with which the person was charged that the charge has been dismissed.</p> <p>(6) A district attorney shall make a reasonable attempt to provide information concerning the disposition of a case involving a crime to any victim of the crime who requests the information.</p> <p> Wis. Stat. Ann. § 950.02(4) defines the term “victim” for the purposes of this statutory provision. This definition is included above in the section “Select Definitions.”</p> <p> Wis. Const. art. I, § 9m(2)(h) affords victims the right to confer with the prosecutor. This provision is included above.</p> <p> Wis. Stat. Ann. § 950.04(1v)(j) affords victims the right to confer with the prosecution in a criminal case under this statute. This statutory provision is included above.</p> <p> A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt” by the district attorney to afford victims their rights.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
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<p>Court’s and District Attorney’s Duty to Take Appropriate Action to Ensure Speedy Trial to Minimize Stress for Child Victims and Witnesses.</p> <p>In all criminal and delinquency cases, juvenile fact-finding hearings under s. 48.31 and juvenile dispositional hearings involving a child victim or witness, as defined in s. 950.02, the court and the district attorney shall take appropriate action to ensure a speedy trial in order to minimize the length of time the child must endure the stress of the child’s involvement in the proceeding. In ruling on any motion or other request for a delay or continuance of proceedings, the court shall consider and give weight to any adverse impact the delay or continuance may have on the well-being of a child victim or witness.</p> <p> Wis. Stat. Ann. § 950.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 950.055(2)(b) encourages counties to aid the court regarding their duty to expedite proceedings to minimize stress on child victims. Wis. Stat. Ann. § 950.04(1v)(ar) affords crime victims the right to have courts consider victims’ interests when deciding whether to grant a continuance. Wis. Stat. Ann. § 950.04(1v)(k) affords crime victims the right to a speedy disposition. These statutory provisions are included above.</p> <p> Wis. Const. art. I, § 9m(2)(c) grants victims the right “[t]o proceedings free from unreasonable delay” and Wis. Const. art. I, § 9m(2)(d) grants victims the right “[t]o timely disposition of the case, free from unreasonable delay.” These provisions are included above.</p>	<p>Wis. Stat. Ann. § 971.105.</p>
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District Attorney’s Obligation to Provide Victims with Notice of an Order Authorizing Conditional Release of an Offender Committed to Institutional Care Upon Being Found Not Guilty by Reason of Mental Disease or Mental Defect.

Wis. Stat. Ann. § 971.17(4m)(b)–(d).

(b) If the court conditionally releases a defendant under this section, the district attorney shall do all of the following in accordance with par. (c):

1. Make a reasonable attempt to notify the victim of the crime committed by the defendant or, if the victim died as a result of the crime, an adult member of the victim’s family or, if the victim is younger than 18 years old, the victim’s parent or legal guardian.
2. Notify the department of corrections.

(c) The notice under par. (b) shall inform the department of corrections and the person under par. (b)1. of the defendant’s name and conditional release date. The district attorney shall send the notice, postmarked no later than 7 days after the court orders the conditional release under this section, to the department of corrections and to the last-known address of the person under par. (b)1.

(d) Upon request, the department of health services shall assist district attorneys in obtaining information regarding persons specified in par. (b)1.



Wis. Stat. Ann. § 971.17(4m)(a) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”



Wis. Stat. Ann. § 950.04(1v)(um) affords victims the right to notice regarding conditional release. This statutory provision is included above.



A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt” by the district attorney to afford victims their rights.

The Department of Health Services' Obligation to Provide Victims with Notice of Orders of Termination or Discharge Relating to an Offender's Commitment to Institutional Care.

Wis. Stat. Ann. § 971.17(6m)(b)–(d).

(b) If the court orders that the defendant's commitment is terminated under sub. (5) or that the defendant be discharged under sub. (6), the department of health services shall do all of the following in accordance with par. (c):




1. If the person has submitted a card under par. (d) requesting notification, make a reasonable attempt to notify the victim of the crime committed by the defendant, or, if the victim died as a result of the crime, an adult member of the victim's family or, if the victim is younger than 18 years old, the victim's parent or legal guardian.
2. Notify the department of corrections.


(c) The notice under par. (b) shall inform the department of corrections and the person under par. (b)1. of the defendant's name and termination or discharge date. The department of health services shall send the notice, postmarked at least 7 days before the defendant's termination or discharge date, to the department of corrections and to the last-known address of the person under par. (b)1.





(d) The department of health services shall design and prepare cards for persons specified in par. (b)1. to send to the department. The cards shall have space for these persons to provide their names and addresses, the name of the applicable defendant and any other information the department determines is necessary. The department shall provide the cards, without charge, to district attorneys. District attorneys shall provide the cards, without charge, to persons specified in par. (b)1. These persons may send completed cards to the department. All departmental records or portions of records that relate to mailing addresses of these persons are not subject to inspection or copying under s. 19.35(1), except as needed to comply with a request under sub. (4m)(d) or s. 301.46(3)(d).



Wis. Stat. Ann. § 971.17(6m)(a) defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."

<p> Wis. Stat. Ann. § 950.04(1v)(x) affords victims the right to have the department of health services make a reasonable attempt to notify the victim under § 971.17(6m) regarding a termination or discharge under § 971.17 and under § 51.37(10) regarding home visits under § 51.37(10). This statutory provision is included above.</p> <p> A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt” by the department of health services to afford victims their rights.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Prohibition on Courts Ordering Sexual Assault Victims to Submit to Psychological Examinations to Assess Credibility.</p> <p>Psychiatric testing of victims or witnesses. In a prosecution of s. 940.225, 948.02, or 948.025 or of any other crime if the court determines that the underlying conduct was sexually motivated, as defined in s. 980.01(5), the court may not order any witness or victim, as a condition of allowing testimony, to submit to a psychiatric or psychological examination to assess his or her credibility.</p>	<p>Wis. Stat. Ann. § 971.23(5c).</p>
<p>Prohibition on Defendant or Defense Counsel Compelling Victims to Submit to Pretrial Interviews or Depositions.</p>	<p>Wis. Stat. Ann. § 971.23(6c).</p>

<p>Interviews of victims by defense. Except as provided in s. 967.04, the defendant or his or her attorney may not compel a victim of a crime to submit to a pretrial interview or deposition.</p> <p> Wis. Stat. Ann. § 950.04(1v)(er) affords victims the right to refuse pretrial defense interviews and depositions. Wis. Stat. Ann. § 967.04 addresses circumstances under which courts may order the deposition of a witness in criminal proceedings. These statutory provisions are included above.</p>	
<p>Court’s Duty to Determine Whether the District Attorney Complied with Victims’ Rights; District Attorney’s Duty to Offer Conferral, to Provide Notice of Sentencing and to Notice of the Right to Make or Submit a Statement at Sentencing.</p> <p>(2m) Before pronouncing sentence, the court shall inquire of the district attorney whether he or she has complied with s. 971.095 (2) and with sub. (3)(b), whether any of the victims of a crime considered at sentencing requested notice of the date, time and place of the sentencing hearing and, if so, whether the district attorney provided to the victim notice of the date, time and place of the sentencing hearing.</p> <p>(3)(a) Before pronouncing sentence, the court shall determine whether a victim of a crime considered at sentencing wants to make a statement to the court. If a victim wants to make a statement, the court shall allow the victim to make a statement in court or to submit a written statement to be read in court. The court may allow any other person to make or submit a statement under this paragraph. Any statement under this paragraph must be relevant to the sentence.</p> <p>(b) After a conviction, if the district attorney knows of a victim of a crime to be considered at sentencing, the district attorney shall make a reasonable attempt to contact that person to inform him or her of the right to make or provide a statement under par. (a). Any failure to comply with this paragraph is not a ground for an appeal of a judgment of conviction or for any court to reverse or modify a judgment of conviction.</p>	<p>Wis. Stat. Ann. § 972.14(2m)–(3).</p>

<p> Wis. Stat. Ann. § 950.02(4) defines the term “victim” for the purposes of this statutory provision. This definition is included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 972.14(1)(ag) defines “crime considered at sentencing,” for the purposes of this statutory provision, to mean “any crime for which the defendant was convicted and any read-in crime, as defined in s. 973.20 (1g)(b).”</p> <p> Wis. Stat. Ann. § 971.095(2) provides that, post-charging and as soon as practicable, the district attorney must confer with all victims who have requested the opportunity to do so about the prosecution and its possible outcomes, including plea agreements and sentencing recommendations.</p> <p> A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt” by the district attorney to afford victims their rights.</p>	
<p>Victims’ Rights Related to Presentence Investigations After Felony Convictions; Duties of Person Preparing Presentence Investigation.</p> <p>(2m) The person preparing the presentence investigation report shall make a reasonable attempt to contact the victim to determine the economic, physical and psychological effect of the crime on the victim. The person preparing the report may ask any appropriate person for information. This subsection does not preclude the person who prepares the report from including any information for the court concerning the impact of a crime on the victim.</p> <p>...</p> <p>(3) The judge may conceal the identity of any person who provided information in the presentence investigation report.</p>	<p>Wis. Stat. Ann. § 972.15(2m), (3)–(4r).</p>



(4) Except as provided in sub. (4m), (4r), (5), or (6), after sentencing the presentence investigation report shall be confidential and shall not be made available to any person except upon specific authorization of the court.



(4m) The district attorney, the defendant's attorney, and, following a conviction for a felony in which an assistant attorney general has original jurisdiction, served at the request of a district attorney under s. 978.05(8)(b), or served as a special prosecutor under s. 978.045, the assistant attorney general are entitled to have and keep a copy of the presentence investigation report. If the defendant is not represented by counsel, the defendant is entitled to view the presentence investigation report but may not keep a copy of the report. Except as provided in s. 950.04(1v)(p), a district attorney, the defendant's attorney, or an assistant attorney general who receives a copy of the report shall keep it confidential. A defendant who views the contents of a presentence investigation report shall keep the information in the report confidential.




(4r) The victim of the crime is entitled to view all sentencing recommendations included in the presentence investigation report, including any recommendations under sub. (2b) or (2c), and any portion of the presentence investigation report that contains information pertaining to the victim that was obtained pursuant to sub. (2m). A victim who views any contents of a presentence investigation report may not keep a copy of any portion of the report and shall keep the information he or she views confidential.






Wis. Stat. Ann. § 950.04(1v)(pd) affords victims the right, subject to the limitations set forth in Wis. Stat. Ann. § 972.15(4r), to view portions of a presentence investigation report under Wis. Stat. Ann. § 972.15 that relate to the crime upon the victim. Wis. Stat. Ann. § 950.04(1v)(p) affords victims the right to have the person preparing a presentence investigation under § 972.15 make a reasonable attempt to contact them, as provided in Wis. Stat. Ann. § 972.15(2m), and to view the sentence recommendation and any victim information included in the presentence investigation report, as provided in § 972.15(4m). These statutory provisions are included above.

 A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt” to contact the victim.	
<p>Victims’ Restitution Rights Related to Probation.</p> <p>(1)(b) If the court places the person on probation, the court shall order the person to pay restitution under s. 973.20, unless the court finds there is substantial reason not to order restitution as a condition of probation. If the court does not require restitution to be paid to a victim, the court shall state its reason on the record. If the court does require restitution, it shall notify the department of justice of its decision if the victim may be eligible for compensation under subch. I of ch. 949.</p> <p>...</p> <p>(3)(b) The department shall notify the sentencing court, any person to whom unpaid restitution is owed and the district attorney of the status of the ordered restitution payments unpaid at least 90 days before the probation expiration date. If payment as ordered has not been made, the court shall hold a probation review hearing prior to the expiration date, unless the hearing is voluntarily waived by the probationer with the knowledge that waiver may result in an extension of the probation period or in a revocation of probation. If the court does not extend probation, it shall issue a judgment for the unpaid restitution and direct the clerk of circuit court to file and enter the judgment in the judgment and lien docket, without fee, unless it finds that the victim has already recovered a judgment against the probationer for the damages covered by the restitution order. If the court issues a judgment for the unpaid restitution, the court shall send to the person at his or her last-known address written notification that a civil judgment has been issued for the unpaid restitution. The judgment has the same force and effect as judgments entered under s. 806.10.</p>  A promising practice, when informing victims about their right to restitution, is to notify victims that they should collect and organize all documentation relating to their losses.	<p>Wis. Stat. Ann. § 973.09(1)(b), (3)(b).</p>

<p>Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Clerk of the Circuit Court’s Duty to Notify Victims of Probation Violation Hearing and Right to Give Statement at Hearing.</p> <p>(b) When a court receives a petition under sub. (3)(d), the clerk of the circuit court shall send a notice of hearing to the victim of the crime committed by the probationer, if the victim has submitted a card under par. (c) requesting notification. The notice shall inform the victim that he or she may appear at any hearing scheduled under sub. (3)(d) and shall inform the victim of the manner in which he or she may provide a statement concerning the modification of the probationer’s term of probation. The clerk of the circuit court shall make a reasonable attempt to send the notice of hearing to the last-known address of the victim, postmarked at least 10 days before the date of the hearing.</p> <p>(c) The director of state courts shall design and prepare cards for a victim to send to the clerk of the circuit court for the county in which the probationer was convicted and sentenced. The cards shall have space for a victim to provide his or her name and address, the name of the applicable probationer, and any other information that the director of state courts determines is necessary. The director of state courts shall provide the cards, without charge, to clerks of circuit court. Clerks of circuit court shall provide the cards, without charge, to victims. Victims may send completed cards to the clerk of the circuit court for the county in which the probationer was convicted and sentenced. All court records or portions of records that relate to mailing addresses of victims are not subject to inspection or copying under s. 19.35(1).</p> <p> Wis. Stat. Ann. § 950.02(4) defines the term “victim” for the purposes of this statutory provision. This definition is included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 950.04(1v)(gm) affords victims the right to have reasonable attempts</p>	<p>Wis. Stat. Ann. § 973.09(3m)(b)–(c).</p>

<p>made to notify them of petitions for sentence adjustment, pursuant to § 973.09(3m). Wis. Stat. Ann. § 950.04(1v)(nx) affords victims the right to attend a hearing on a petition for modification of a term of probation under § 973.09(3)(d) and to provide a statement at such a hearing under § 973.09(3m). These statutory provisions are included above.</p> <p> A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt” to provide victims with notice of a probation violation hearing.</p> <p> A promising practice is for victims to be provided with notification cards in an easily understood format and in a timely manner. Consideration should be given to providing this information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>District Attorney’s Duty to Notify Victims of Certain Sex Offenses When an Inmate Petitions for an Adjusted Sentence; Victims’ Right to Object to Petition; Court’s Duty to Reject Objected-to Petition.</p> <p>(d) If the sentence for which the inmate seeks adjustment is for an offense under s. 940.225(2) or (3), 948.02(2), 948.08, or 948.085, and the district attorney does not object to the petition within 10 days of receiving notice under par. (c), the district attorney shall notify the victim, as defined under s. 950.02(4), of the inmate’s petition. The notice to the victim shall include information on the sentence adjustment petition process under this subsection,</p>	<p>Wis. Stat. Ann. § 973.195(1r)(d)–(e).</p>

<p>including information on how to object to the inmate’s petition. If the victim objects to adjustment of the inmate’s sentence within 45 days of the date on which the district attorney received notice under par. (c), the court shall deny the inmate’s petition.</p> <p>(e) Notwithstanding the confidentiality of victim address information obtained under s. 302.113(9g)(g)3., a district attorney who is required to send notice to a victim under par. (d) may obtain from the clerk of the circuit court victim address information that the victim provided to the clerk under s. 302.113(9g)(g)3.</p> <p> Wis. Stat. Ann. § 950.02(4) defines the term “victim” for the purposes of this statutory provision. This definition is included above in the section “Select Definitions.”</p> <p> Wis. Stat. Ann. § 302.113(9g)(g)(3) provides that the director of state courts shall design and prepare cards that victims may send to the clerk of the circuit court for the county where an inmate was convicted and sentenced. The cards contain the victim’s contact information, and records or portions of records relating to the victim’s mailing address are not subject to inspection or copying under the state’s open records law. This statutory provision is included above.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Restitution.</p> <p>(1r) When imposing sentence or ordering probation for any crime, other than a crime involving conduct that constitutes domestic abuse under s. 813.12(1)(a) or 968.075(1)(a),</p>	<p>Wis. Stat. Ann. § 973.20(1r)–(15).</p>

for which the defendant was convicted, the court, in addition to any other penalty authorized by law, shall order the defendant to make full or partial restitution under this section to any victim of a crime considered at sentencing or, if the victim is deceased, to his or her estate, unless the court finds substantial reason not to do so and states the reason on the record. When imposing sentence or ordering probation for a crime involving conduct that constitutes domestic abuse under s. 813.12(1)(a) or 968.075(1)(a) for which the defendant was convicted or that was considered at sentencing, the court, in addition to any other penalty authorized by law, shall order the defendant to make full or partial restitution under this section to any victim of a crime or, if the victim is deceased, to his or her estate, unless the court finds that imposing full or partial restitution will create an undue hardship on the defendant or victim and describes the undue hardship on the record. Restitution ordered under this section is a condition of probation, extended supervision, or parole served by the defendant for a crime for which the defendant was convicted. After the termination of probation, extended supervision, or parole, or if the defendant is not placed on probation, extended supervision, or parole, restitution ordered under this section is enforceable in the same manner as a judgment in a civil action by the victim named in the order to receive restitution or enforced under ch. 785.

(2)(am) If a crime considered at sentencing resulted in damage to or loss or destruction of property, the restitution order may require that the defendant:

1. Return the property to the owner or owner's designee; or
2. If return of the property under subd. 1 is impossible, impractical or inadequate, pay the owner or owner's designee the reasonable repair or replacement cost or the greater of:
 - a. The value of the property on the date of its damage, loss or destruction; or
 - b. The value of the property on the date of sentencing, less the value of any part of the property returned, as of the date of its return. The value of retail merchandise shall be its retail value.

(bm) The restitution order may require the department of employee trust funds to withhold the amount determined under par. (am) from any payment of the defendant's annuity or lump sum under s. 40.08(1t) and to deliver any amount withheld from the defendant's annuity or lump sum in accordance with sub. (11) if the crime considered at sentencing satisfies all of the following:

<p>1. The crime was a violation of ss. 943.20 and 946.12.</p> <p>2. The crime resulted in loss of property for the defendant's employer that participates in the Wisconsin Retirement System.</p> <p>3. The value of the property described in subd. 2. exceeds \$2,500.</p> <p>(3) If a crime considered at sentencing resulted in bodily injury, the restitution order may require that the defendant do one or more of the following:</p> <p>(a) Pay an amount equal to the cost of necessary medical and related professional services and devices relating to physical, psychiatric and psychological care and treatment.</p> <p>(b) Pay an amount equal to the cost of necessary physical and occupational therapy and rehabilitation.</p> <p>(c) Reimburse the injured person for income lost as a result of a crime considered at sentencing.</p> <p>(d) If the injured person's sole employment at the time of the injury was performing the duties of a homemaker, pay an amount sufficient to ensure that the duties are continued until the person is able to resume performance of the duties.</p> <p>(4) If a crime considered at sentencing resulted in death, the restitution order may also require that the defendant pay an amount equal to the cost of necessary funeral and related services under s. 895.04(5).</p> <p>(4m) If the defendant violated s. 940.225, 948.02, 948.025, 948.05, 948.051, 948.06, 948.07, 948.08, or 948.085, or s. 940.302(2), if the court finds that the crime was sexually motivated, as defined in s. 980.01(5), and sub. (3)(a) does not apply, the restitution order may require that the defendant pay an amount, not to exceed \$10,000, equal to the cost of necessary professional services relating to psychiatric and psychological care and treatment. The \$10,000 limit under this subsection does not apply to the amount of any restitution ordered under sub. (3) or (5) for the cost of necessary professional services relating to psychiatric and psychological care and treatment.</p> <p>(4o) If the defendant violated s. 940.302(2) or 948.051, and sub. (2) or (3) does not apply, the restitution order may require that the defendant pay an amount equal to any of the</p>	
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<p>following:</p> <ul style="list-style-type: none"> (a) The costs of necessary transportation, housing, and child care for the victim. (b) The greater of the following: <ul style="list-style-type: none"> 1. The gross income gained by the defendant due to the services of the victim. 2. The value of the victim's services as provided under the state minimum wage. (c) Any expenses incurred by the victim if relocation for personal safety is determined to be necessary by the district attorney. (d) The costs of relocating the victim to his or her city, state, or country of origin. <p>(5) In any case, the restitution order may require that the defendant do one or more of the following:</p> <ul style="list-style-type: none"> (a) Pay all special damages, but not general damages, substantiated by evidence in the record, which could be recovered in a civil action against the defendant for his or her conduct in the commission of a crime considered at sentencing. (b) Pay an amount equal to the income lost, and reasonable out-of-pocket expenses incurred, by the person against whom a crime considered at sentencing was committed resulting from the filing of charges or cooperating in the investigation and prosecution of the crime. (c) Reimburse any person or agency for amounts paid as rewards for information leading to the apprehension or successful prosecution of the defendant for a crime for which the defendant was convicted or to the apprehension or prosecution of the defendant for a read-in crime. (d) If justice so requires, reimburse any insurer, surety or other person who has compensated a victim for a loss otherwise compensable under this section. <p>(6) Any order under sub. (5)(c) or (d) shall require that all restitution to victims under the order be paid before restitution to other persons.</p> <p>(7) If the court orders that restitution be paid to more than one person, the court may direct the sequence in which payments are to be transferred under sub. (11)(a). If more than one defendant is ordered to make payments to the same person, the court may apportion liability between the defendants or specify joint and several liability. If the court specifies that 2 or more defendants are jointly and severally liable, the department or the clerk to whom</p>	
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payments are made under sub. (11)(a) shall distribute any overpayments so that each defendant, as closely as possible, pays the same proportion of the ordered restitution.

(8) Restitution ordered under this section does not limit or impair the right of a victim to sue and recover damages from the defendant in a civil action. The facts that restitution was required or paid are not admissible as evidence in a civil action and have no legal effect on the merits of a civil action. Any restitution made by payment or community service shall be set off against any judgment in favor of the victim in a civil action arising out of the facts or events which were the basis for the restitution. The court trying the civil action shall hold a separate hearing to determine the validity and amount of any setoff asserted by the defendant.

(9)(a) If a crime victim is paid an award under subch. I of ch. 949 for any loss arising out of a criminal act, the state is subrogated to the rights of the victim to any restitution required by the court. The rights of the state are subordinate to the claims of victims who have suffered a loss arising out of the offenses or any transaction which is part of the same continuous scheme of criminal activity.

(b) When restitution is ordered, the court shall inquire to see if an award has been made under subch. I of ch. 949 and if the department of justice is subrogated to the cause of action under s. 949.15. If the restitution ordered is less than or equal to the award under subch. I of ch. 949, the restitution shall be credited to the appropriation account under s. 20.455(5)(hh). If the restitution ordered is greater than the award under subch. I of ch. 949, an amount equal to the award under subch. I of ch. 949 shall be credited to the appropriation account under s. 20.455(5)(hh) and the balance shall be paid to the victim.

(9m) When restitution is ordered, the court shall inquire to see if recompense has been made under s. 969.13(5)(a). If recompense has been made and the restitution ordered is less than or equal to the recompense, the restitution shall be applied to the payment of costs and, if any restitution remains after the payment of costs, to the payment of the judgment. If recompense has been made and the restitution ordered is greater than the recompense, the victim shall receive an amount equal to the amount of restitution less the amount of recompense and the balance shall be applied to the payment of costs and, if any restitution remains after the payment of costs, to the payment of the judgment. This subsection applies

without regard to whether the person who paid the recompense is the person who is convicted of the crime.

(10)(a) The court may require that restitution be paid immediately, within a specified period or in specified installments. If the defendant is placed on probation or sentenced to imprisonment, the end of a specified period shall not be later than the end of any period of probation, extended supervision or parole. If the defendant is sentenced to the intensive sanctions program, the end of a specified period shall not be later than the end of the sentence under s. 973.032 (3) (a).

(b) The department or the clerk of court may certify an amount owed under par. (a) to the department of revenue if any of the following apply:

1. The court required that restitution be paid immediately and more than 30 days have passed since the order was entered.
2. The court required that restitution be paid within a specified period and more than 30 days have passed since the expiration of that period.
3. The court required that restitution be paid in specified installments and the defendant is delinquent in making any of those payments.

(11)(a) Except as otherwise provided in this paragraph, the restitution order shall require the defendant to deliver the amount of money or property due as restitution to the department for transfer to the victim or other person to be compensated by a restitution order under this section. If the defendant is not placed on probation or sentenced to prison, the court may order that restitution be paid to the clerk of court for transfer to the appropriate person. The court shall impose on the defendant a restitution surcharge under ch. 814 equal to 5 percent of the total amount of any restitution, costs, attorney fees, court fees, fines, and surcharges ordered under s. 973.05(1) and imposed under ch. 814, which shall be paid to the department or the clerk of court for administrative expenses under this section.

(b) The department shall establish a separate account for each person in its custody or under its supervision ordered to make restitution for the collection and disbursement of funds. A portion of each payment constitutes the surcharge for administrative expenses under par. (a).

(c) If a defendant who is in a state prison or who is sentenced to a state prison is ordered to pay restitution, the court order shall require the defendant to authorize the department to

collect, from the defendant's wages and from other moneys held in the defendant's prisoner's account, an amount or a percentage the department determines is reasonable for payment to victims.

(d) Each clerk of court who collects restitution under this section shall notify the department when a defendant has satisfied an order for restitution.

(e) The department and each clerk of court that collects restitution under this section shall annually submit a report to the legislature under s. 13.172(2) that specifies, for each fiscal year, the total amounts of restitution ordered for the department and each clerk of court to collect, the administrative fee the department and each clerk of court collects under par. (a), and the amounts of restitution collected by the department and by the clerk of court and dispersed to victims.

(f) If an inmate in a state prison or a person sentenced to a state prison has not paid, at the time of his or her death, restitution ordered under this section, the department shall assess, collect, and disburse the amount owed from the inmate's wages or other moneys.

(12)(a) If the court orders restitution in addition to the payment of fines, costs, fees, and surcharges under ss. 973.05 and 973.06 and ch. 814, it shall set the amount of fines, costs, fees, and surcharges in conjunction with the amount of restitution and issue a single order, signed by the judge, covering all of the payments and any amounts due under s. 304.074. If the costs for legal representation by a private attorney appointed under s. 977.08 or the fees due under s. 304.074 are not established at the time of issuance of the order, the court may revise the order to include those costs at a later time.

(b) Except as provided in par. (c), payments shall be applied first to satisfy the ordered restitution in full, then to pay any fines or surcharges under s. 973.05, then to pay costs, fees, and surcharges under ch. 814 other than attorney fees and finally to reimburse county or state costs of legal representation.

(c) If a defendant is subject to more than one order under this section and the financial obligations under any order total \$50 or less, the department or the clerk of court, whichever is applicable under sub. (11)(a), may pay these obligations first.

(13)(a) The court, in determining whether to order restitution and the amount thereof, shall consider all of the following:

<p>1. The amount of loss suffered by any victim as a result of a crime considered at sentencing.</p> <p>2. The financial resources of the defendant.</p> <p>3. The present and future earning ability of the defendant.</p> <p>4. The needs and earning ability of the defendant's dependents.</p> <p>5. Any other factors which the court deems appropriate.</p> <p>(b) The district attorney shall attempt to obtain from the victim prior to sentencing information pertaining to the factor specified in par. (a)1. Law enforcement agencies, the department of corrections and any agency providing services under ch. 950 shall extend full cooperation and assistance to the district attorney in discharging this responsibility. The department of justice shall provide technical assistance to district attorneys in this regard and develop model forms and procedures for collecting and documenting this information.</p> <p>(c) The court, before imposing sentence or ordering probation, shall inquire of the district attorney regarding the amount of restitution, if any, that the victim claims. The court shall give the defendant the opportunity to stipulate to the restitution claimed by the victim and to present evidence and arguments on the factors specified in par. (a). If the defendant stipulates to the restitution claimed by the victim or if any restitution dispute can be fairly heard at the sentencing proceeding, the court shall determine the amount of restitution before imposing sentence or ordering probation. In other cases, the court may do any of the following:</p> <p>1. Order restitution of amounts not in dispute as part of the sentence or probation order imposed and direct the appropriate agency to file a proposed restitution order with the court within 90 days thereafter, and mail or deliver copies of the proposed order to the victim, district attorney, defendant and defense counsel.</p> <p>2. Adjourn the sentencing proceeding for up to 60 days pending resolution of the amount of restitution by the court, referee or arbitrator.</p> <p>3. With the consent of the defendant, refer the disputed restitution issues to an arbitrator acceptable to all parties, whose determination of the amount of restitution shall be filed with the court within 60 days after the date of referral and incorporated into the court's sentence or probation order.</p> <p>4. Refer the disputed restitution issues to a circuit court commissioner or other appropriate referee, who shall conduct a hearing on the matter and submit the record thereof, together with proposed findings of fact and conclusions of law, to the court within 60 days of the date of referral. Within 30 days after the referee's report is filed, the court shall determine the</p>	
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amount of restitution on the basis of the record submitted by the referee and incorporate it into the sentence or probation order imposed. The judge may direct that hearings under this subdivision be recorded either by audio recorder or by a court reporter. A transcript is not required unless ordered by the judge.

(14) At any hearing under sub. (13), all of the following apply:





(a) The burden of demonstrating by the preponderance of the evidence the amount of loss sustained by a victim as a result of a crime considered at sentencing is on the victim. The district attorney is not required to represent any victim unless the hearing is held at or prior to the sentencing proceeding or the court so orders.

(b) The burden of demonstrating, by the preponderance of the evidence, the financial resources of the defendant, the present and future earning ability of the defendant and the needs and earning ability of the defendant's dependents is on the defendant. The defendant may assert any defense that he or she could raise in a civil action for the loss sought to be compensated. The office of the state public defender is not required to represent any indigent defendant unless the hearing is held at or prior to the sentencing proceeding, the defendant is incarcerated when the hearing is held or the court so orders.

(c) The burden of demonstrating, by the preponderance of the evidence, such other matters as the court deems appropriate is on the party designated by the court, as justice requires.

(d) All parties interested in the matter shall have an opportunity to be heard, personally or through counsel, to present evidence and to cross-examine witnesses called by other parties. The court, arbitrator or referee shall conduct the proceeding so as to do substantial justice between the parties according to the rules of substantive law and may waive the rules of practice, procedure, pleading or evidence, except provisions relating to privileged communications and personal transactions or communication with a decedent or mentally ill person or to admissibility under s. 901.05. Discovery is not available except for good cause shown. If the defendant is incarcerated, he or she may participate by telephone under s. 807.13 unless the court issues a writ or subpoena compelling the defendant to appear in person.


(15) If misappropriation, from a cemetery, of an object that indicates that a deceased was a veteran, as described in s. 45.001, is a crime considered at sentencing, the restitution order


<p>shall require that the defendant reimburse an individual, organization, or governmental entity for the cost of replacing the object.</p> <p> Wis. Stat. Ann. § 973.20(1g) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Wis. Const. art. I, § 9m(2)(m) guarantees victims the right “[t]o full restitution from any person who has been ordered to pay restitution to the victim and to be provided with assistance collecting restitution.” This provision is included above.</p> <p> Wis. Stat. Ann. § 950.04(1v)(q) affords victims the right “[t]o restitution, as provided under ss. 938.245 (2)(a)5., 938.32 (1t), 938.34 (5), 938.345, 943.212, 943.23 (6), 943.245, 943.51 and 973.20.” Wis. Stat. Ann. §§ 938.245(2)(a)(5), 938.32(1t), 938.34(5), and 938.345 govern restitution in the juvenile justice system. Wis. Stat. Ann. §§ 943.23(6), 943.245, 943.51 and 973.20 govern restitution in the criminal justice system. Relevant portions from some of these statutory provisions are included above and below.</p> <p> A promising practice, when informing victims about their right to restitution, is to notify victims that they should collect and organize all documentation relating to their losses. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Department of Health Services’ Obligation to Victims of Notice of Supervised Release or Discharge.</p> <p>(2) If the court places a person on supervised release under s. 980.08(4) or discharges a person under s. 980.09(4), the department [of health services] shall do all of the following: (am) Make a reasonable attempt to notify whichever of the following persons is appropriate, if he or she can be found, in accordance with sub. (3):</p>	<p>Wis. Stat. Ann. § 980.11(2)–(4).</p>




1. The victim of the act of sexual violence.
 2. An adult member of the victim’s family, if the victim died as a result of the act of sexual violence.
 3. The victim’s parent or legal guardian, if the victim is younger than 18 years old.
- (bm) Notify the department of corrections.

(3) The notice under sub. (2) shall inform the department of corrections and the person under sub. (2) (am) of the name of the person committed under this chapter and the date the person is placed on supervised release or discharged. The department shall send the notice, postmarked at least 7 days before the date the person committed under this chapter is placed on supervised release or discharged, to the department of corrections and to the last-known address of the person under sub. (2) (am).

(4) The department shall design and prepare cards for persons specified in sub. (2)(am) to send to the department. The cards shall have space for these persons to provide their names and addresses, the name of the person committed under this chapter and any other information the department determines is necessary. The department shall provide the cards, without charge, to the department of justice and district attorneys. The department of justice and district attorneys shall provide the cards, without charge, to persons specified in sub. (2)(am). These persons may send completed cards to the department of health services. All records or portions of records of the department of health services that relate to mailing addresses of these persons are not subject to inspection or copying under s. 19.35(1), except as needed to comply with a request by the department of corrections under s. 301.46(3)(d).

 Wis. Stat. Ann. § 980.11(1) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”

 Wis. Stat. Ann. § 950.04(1v)(xm), which is included above, affords victims the right “[t]o have the department of health services make a reasonable attempt to notify the victim under s. 980.11 regarding supervised release under s. 980.08 and discharge under s. 980.09 (4).”

<p> A promising practice is to have a policy and procedure outlining what constitutes “a reasonable attempt to provide to the victim” with notice.</p> <p> A promising practice is for victims to be provided with notification cards in an easily understood format and in a timely manner. Consideration should be given to providing this information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
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