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## Luther S. Olsen

State Senator  
14th District

**TO:** Senate Committee on Judiciary and Public Safety

**FROM:** Senator Luther Olsen

**DATE:** Tuesday, January 30, 2018

**SUBJECT:** Testimony for Senate Bill 538

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Thank you Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety for holding a hearing and allowing me to testify in support of Senate Bill 538. This legislation was originally included in the budget, but it was later removed because it is non-fiscal policy. So Representative Novak and I drafted this bill at the request of the Department of Justice.

Under current law, the Department of Justice is required to submit restitution reports twice every year to both the Department of Administration as well as the Joint Finance Committee. This report includes who the restitution payments were paid to and how much was paid to each individual.

This bill would change the report required to only include the total number of individuals who received restitution as well as the total amount paid. It would allow the Department of Justice to withhold the names as well as the individual amount each of those who have received restitution payments were given. We believe that this is an important change that will allow for transparency while still helping to protect the privacy of crime victims.

Again, thank you members for holding a hearing today. I ask for your support on Senate Bill 538 and I would be more than happy to answer any questions.





# TODD NOVAK

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January 30, 2018

## SB 538

Thank you Chairman Spiros and members of the committee for holding a hearing on Senate Bill 538 which removes the requirement that the Department of Justice include the names of each individual who receives restitution and the amount paid to each recipient in their semiannual report to the Department of Administration and the Joint Finance Committee. Instead, DOJ will include the number of individuals receiving restitution and the total amount paid by the state.

This bill was originally included in the budget and was removed due to its non-fiscal nature.

The intent behind this legislation is to protect the privacy of crime victims. By publishing the names of victims in these reports, they are essentially being re-victimized through the criminal justice process. If an individual is, for example, a victim of fraud, publishing their names in these reports is simply bad practice.

In speaking with the DOJ, I learned that the department does not currently publish the names of these victims in the interest of privacy. This legislation clarifies in statute that including the names of victims is not required.

To be clear, this bill does not affect open records laws. A breakdown of the individuals and the amounts they received is available upon request and subject to the balancing test. Our intent is to remove what I believe to be unnecessary information from these reports which exist to provide an overview of restitution payments made by the state.

Thank you,

Todd Novak





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**PREPARED TESTIMONY OF MICHELLE VISTE, DIRECTOR OF THE  
OFFICE OF CRIME VICTIMS SERVICES (OCVS)**

Testimony in Support of Senate Bill 538  
Senate Committee on Judiciary and Public Safety  
Tuesday, January 30<sup>th</sup>, 2018

Chairman Wanggaard and Committee Members,

Thank you for the opportunity to submit written testimony on behalf of the Department of Justice in support of SB 583. I thank Representative Novak and Senator Olsen for authoring this very simple and necessary bill.

Current law requires the Department of Justice to report semiannually on moneys received under a court order or settlement to provide restitution to victims. Section 165.25(10) requires the department to specify the amount of restitution received, the persons to whom restitution was paid and the amount paid to each recipient during the reporting period. Historically, the Department has not published the names of the victims, but there has been some back and forth as to whether the names of the victims are actually required to comply with the statute.

While there is little public benefit realized from reporting the names of victims who received restitution, there is a substantial risk of harm from publishing the identities of restitution recipients who receive payments as it may make them targets for additional victimization. Publishing the names of restitution recipients could also deter victims from requesting reimbursement if they do not want to be publically identified as a victim.

Under the proposed statutory change, the names of restitution recipients can still be released in response to an open records request but they will not be routinely released in a public report without a request.

Thank you again for hearing Senate Bill 538 and I look forward to your support.

If you have any questions please contact Lane Ruhland, Director of Government Affairs at [ruhlandle@doj.state.wi.us](mailto:ruhlandle@doj.state.wi.us) .



# testimony



To: Senate Committee on Judiciary and  
Public Safety  
Date: January 30, 2018  
From: Chase Tarrier, Public Policy Coordinator  
Re: Support of SB 538

End Domestic Abuse WI  
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Dear Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety,

Thank you for the opportunity to provide testimony regarding Senate Bill 538 (SB 538), which makes changes to state law regarding the information that the Department of Justice (DOJ) must include in its semi-annual report to the Department of Administration (DOA) and the Joint Committee on Finance (JFC) regarding restitution received by crime victims. End Abuse is the statewide voice for survivors of domestic violence and the membership organization representing local domestic violence victim service providers throughout the state. We are supportive of SB 538 and respectfully urge the Committee members to approve its passage.

Current law requires DOJ to send semi-annual reports to the JFC and DOA outlining all money spent on victim restitution for each reporting period including the names of each victim and the respective amount of compensation provided. SB 538 would change current law to require that DOJ only provide the total amount of victim compensation provided to all victims, along with the total number of victims who received restitution.

At End Abuse, we recognize that the protection of victim's identifying information is paramount to their safety and ability to live free of abuse. The changes outlined in SB 538, by providing additional privacy and anonymity for victims who receive restitution, will increase the safety of domestic violence victims while still requiring that DOJ submit its normal financial reports. We feel this legislation is an important step towards honoring the experience of survivors in our state and recognizing the importance of their privacy as they take steps to live independently and free of violence.

Thank you again for the opportunity to offer testimony today. We appreciate the Committee's thoughtful consideration of our concerns, and respectfully urge you to support this proposal.

Feel free to contact me at [chaset@endabusewi.org](mailto:chaset@endabusewi.org) or 608.237.3985 with any further questions or concerns.

