



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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January 22, 2021

VIA EMAIL AND US MAIL

Michael Queensland
Senate Chief Clerk
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Madison, WI 53707-7882

Kay Inabnet
Assembly Assistant Chief Clerk
17 W. Main Street, Suite 401
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Chief Clerk Queensland and Assistant Chief Clerk Inabnet:

The Department of Justice is submitting germane modifications to Jus 11, related to the Crime Victim Compensation Program, as allowed under Wis. Stats. 227.19(4)(b)3. The modifications represent changes to address drafting errors related to grammar and content. They are listed below. Attached you will find the revised proposed order for Jus 11 with the germane modifications included in the text of the proposed rule. I have copied the Rules Clearinghouse on this letter via email, so it is aware of these modifications.

The amended changes are noted below.

1) Change to address a grammatical issue.

Jus 11.05 (1) (c) A third person, other than a collateral source, ~~who is responsible for the maintenance of the victim and~~ or business, who that has incurred an expense as a direct result of the victim's personal injury or death.

Reason: This correction is to change improper placement of a comma.

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2) Change to address a drafting error in content.

Jus 11.04 (2) (d) If the victim was self-employed at the time of the injury, the loss of actual earnings may be determined by taking into account the net business profit reported on the previous year's federal income tax return or the current year's net business profit based on current financial records, ~~divided by the number of weeks covered by the income tax returns or current financial records.~~ Net loss of earnings shall be determined by deducting self-employment tax as set forth by the IRS, federal withholding tax, state withholding tax, Medicare, and FICA tax from the net business profit.

Reason: This correction is to address the omission of “Medicare and FICA tax,” which is contained in Jus 11.04 (2) (a) of the proposed rule and, to be consistent, should also be contained in this provision that applies to self-employed victims.

Please contact me in my office if you have any questions. I can be reached at schmelzerjj@doj.state.wi.us or at (608) 266-3094.

Sincerely,

Jody J. Schmelzer
Assistant Attorney General

JJS:js

Enclosure

cc: Rules Clearinghouse (via email Clearinghouse.House@legis.wisconsin.gov)