



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-6557/P4  
MJW:skw&amn

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 **AN ACT to create** 322.001 (24s) and 322.004 of the statutes; **relating to:** the  
2 rights of victims of an offense under the Wisconsin Code of Military Justice.

---

***Analysis by the Legislative Reference Bureau***

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

---

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council Study Committee on Wisconsin National Guard Sexual Misconduct Procedures. The Wisconsin Constitution and Wisconsin Statutes grant crime victims a variety of rights. For these purposes, "crime victim" is defined, generally, as a person against whom a crime has been committed. Under current law, members of the Wisconsin National Guard on state status are subject to the Wisconsin Code of Military Justice (WCMJ), which codifies offenses that may be punished under the code and establishes procedures for enforcing the code. Offenses under the code may be crimes in certain cases, but may not be in others.

This bill provides that a person who is a victim of an offense under the WCMJ has the rights Article I, Section 9m of the Wisconsin Constitution provides to crime victims. The bill defines "victim of an offense," for these purposes as "a person who has suffered direct, physical, emotional, or pecuniary harm as a result of the commission of an offense [punishable under the WCMJ]."

Under the bill, a victim of an offense is entitled the following rights:

To be treated with dignity, respect, courtesy, sensitivity, and fairness.

To privacy.

To proceedings free from unreasonable delay.

To timely disposition of the case, free from unreasonable delay.

Upon request, to attend all proceedings involving the case.

To reasonable protection from the accused throughout the criminal and juvenile justice process.

Upon request, to reasonable and timely notification of proceedings.

Upon request, to confer with the attorney for the government.

Upon 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.

To 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.

Upon 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.

To refuse an interview, deposition, or other discovery request made by the accused or any person acting on behalf of the accused.

To full restitution from any person who has been ordered to pay restitution to the victim and to be provided with assistance collecting restitution.

To compensation as provided by law.

Upon request, to reasonable and timely information about the status of the investigation and the outcome of the case.

To 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.

The bill provides that a victim of an offense who is also a crime victim also has the statutory rights provided to crime victims under chapter 950 of the Wisconsin Statutes.

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

1           **SECTION 1.** 322.001 (24s) of the statutes is created to read:

2           322.001 (24s) “Victim of an offense” means a person who has suffered direct  
3 physical, emotional, or pecuniary harm as a result of the commission of an offense  
4 under subch. X.

5           **SECTION 2.** 322.004 of the statutes is created to read:

6           **322.004 Article 4 - Rights of a victim of an offense.** (1) A victim of an  
7 offense has the rights enumerated under article I, section 9m (2), of the constitution.

8           (2) A victim of an offense who is also a victim, as defined in s. 950.02 (4) (a), has  
9 the rights enumerated under sub. (1) and ch. 950. Services provided under this

1 subsection in accordance with ch. 950 shall be provided by the office of crime victim  
2 services in the department of justice.

3 (END)