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PREPARED TESTIMONY OF ATTORNEY GENERAL BRAD D. SCHIMEL

Testimony on Senate Joint Resolution 53
Senate Committee on Judiciary and Public Safety
Assembly Committee on Criminal Justice and Public Safety
Thursday, June 15, 2017

Good morning Chairmen and committee members,

Thank you for the opportunity to testify in support of Senate Joint Resolution 53, the constitutional amendment to enhance victim's rights, also known as Marsy's Law.

Wisconsin has a proud tradition of being at the forefront of protecting victims' rights. Before I became a prosecutor 28 years ago, the Milwaukee County DA's Office created one of America's first Victim/Witness Services division in a prosecutor's office. In 1980, Wisconsin enacted into law the nation's first Crime Victims Bill of Rights. In 1993, Wisconsin amended our Constitution to enshrine victims' rights. We, as a state, thought these rights were as important as other rights we hold sacred, such as the freedom of religion and the right to bear arms. Marsy's Law continues this proud tradition and Wisconsin's efforts on behalf of crime victims.

Before getting into the details of this proposed amendment, I'd like to specifically thank Senator Wanggaard for his work to protect victims of crime. This includes his sponsorship of legislation enhancing the rights of crime victims and his steadfast commitment to law enforcement.

The Department of Justice serves a critical role in Wisconsin's treatment of crime victims. I am proud to lead some of the best--and most dedicated--public servants in the country, who staff DOJ's Office of Crime Victim Services, or OCVS, and the Crime Victim Rights Board. Our OCVS provides countless resources

for crime victims, their families, friends and professionals in the victim service field. We administer the crime victim compensation fund, which provides victims financial assistance to pay for medical and mental health counseling expenses, costs of caregiver services, crime scene clean-up costs, and even funeral costs. The last thing we want a family to worry about as they bury a loved one who was a murder victim is “how do I pay for this?”

We must ensure that these dedicated public servants, and their colleagues doing similar work in our counties, have all the resources necessary to continue supporting victims. If you take one message from my testimony today, I'd like it to be this: We can do more for crime victims.

In particular, we can do more for the women and children who are too often victimized by violent and predatory criminals in our state. The world has changed a lot, and we have learned a lot in the 20 or so years since the existing amendment was put in place. This new amendment, authored by Senator Wanggaard and Representative Novak, will apply those important lessons to our Constitution. This proposal will update our Constitution to ensure that all the rights that crime victims deserve are clear and enforceable constitutional rights. And most importantly, this amendment puts victims on equal footing with the accused.

Many of the rights proposed in this amendment exist in state statute, but do not hold up when a judge is required to balance an accused criminal's constitutional rights with our current victim rights statutes. The constitutional rights of the accused are clear, but the rights of victims need clarification and strengthening. It is time to place victims on equal footing.

The rights captured in this amendment are basic and important. The right to privacy, to confer with counsel, to refuse invasive discovery requests, to full restitution and to compensation as provided by law would be balanced against a criminal defendant's rights. As is explicitly stated in the amendment, nothing in this amendment would be interpreted to supersede a defendant's federal constitutional rights.

Part of my mission as the Attorney General of Wisconsin is to provide unwavering support for our law enforcement agencies and officers, and Wisconsin's law enforcement is on board with Marsy's Law, as you can see from the list of those agencies supporting this amendment. After all, being a law enforcement officer means protecting those most vulnerable and our crime victims. When we strengthen

the rights of victims, we help our law enforcement officers do the important work of keeping us safe.

Today, you will hear testimony from women who have experienced and survived heinous crimes. You will hear from a survivor who was beaten to the brink of death with a baseball bat and left for dead in a trash can in a storage shed, and another woman who was sexually assaulted by her father and yet another strangled and beaten by her boyfriend. These women were thrust into the criminal justice system by no choice of their own and all they ask is that their rights not be automatically preempted by the rights of the accused.

The criminal justice system and our communities rely on crime victims to be willing to come forward and help us hold criminals accountable. If we are to expect victims to participate in the criminal justice system, they must perceive the justice system as a place where they will be treated fairly. Passage of this amendment will send the message to crime victims that the criminal justice system will be a safe place for them to seek services and assert their rights. The Department of Justice looks forward to continuing to assist victims through law enforcement, District Attorneys, and advocacy groups as we do now. Whether through our Office of Crime Victim Services, or through our exceptional grant programs, we will continue to ensure victims are not forgotten, and their rights are honored.

At DOJ we believe that justice isn't served until crime victims are. This amendment ensures that victims are served.

Thank you again for the opportunity to testify in support of Senate Joint Resolution 53.

Please contact Lane Ruhland at ruhland@doj.state.wi.us with any questions.