

State of Wisconsin



2023 Assembly Bill 556

Date of enactment: **March 27, 2024**

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2023 WISCONSIN ACT 231

AN ACT *to create* 971.106 and 971.108 of the statutes; **relating to:** expediting criminal proceedings when a victim or witness is an elder person and preserving the testimony of a crime victim or witness who is an elder person.

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

SECTION 1. 971.106 of the statutes is created to read:

971.106 Elder person victims and witnesses; duty to expedite proceedings. (1) In this section, "elder person" means any individual who is 60 years of age or older.

(2) In all criminal and delinquency cases and juvenile dispositional hearings involving a victim or witness who is an elder person, the court and the district attorney shall take appropriate action to ensure a speedy trial in order to minimize the length of time the elder person must endure the stress of the elder person'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 victim or witness who is an elder person.

SECTION 2. 971.108 of the statutes is created to read:

971.108 Elder person victims and witnesses; duty

to preserve testimony. (1) In this section, "elder person" means any individual who is 60 years of age or older.

(2) In all criminal and delinquency cases and juvenile dispositional hearings involving a crime victim or witness who is an elder person, the district attorney may file a motion to preserve the testimony of the crime victim or witness. If the court finds good cause to do so, the court shall conduct a hearing within 60 days of the date the motion was filed to preserve the testimony of the crime victim or witness. The hearing shall be before the court. The defendant shall be present at the hearing. The crime victim or witness shall be sworn as a witness and shall be subject to cross-examination and rebuttal if not unduly repetitious. The witness may testify in person, or, upon a showing by the proponent of good cause under s. 807.13 (2) (c), testimony may be received into the record of the hearing by telephone or live audiovisual means. The hearing shall be recorded, and the recorded testimony of the witness shall be admissible in evidence in any court proceeding in the case.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."