



## Waukesha County Criminal Justice Collaborating Council Victims' Rights Committee Minutes Friday, May 8, 2020

### Team Members Present:

Marla Bell	Eryn Menden	Jen Dunn
Monica Paz	Hon. Michael Aprahamian	

### Team Members Absent:

Chrissy Preston	Kendall Schultz
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### Also Present:

Rebecca Luczaj	Janelle McClain	Elizabeth Lucas
Amber Peterson	Hon. Maria Lazar	Brittany Marin
Sue Opper		

Dunn called the meeting to order at 2:01 p.m. via Zoom.

### Approve Minutes from February 24, 2020 Meeting

Motion: Bell moved, second by Dunn, to approve the minutes from February 24, 2020. Motion carried unanimously.

### Discuss and Consider Committee Membership Change

Motion: Aprahamian moved, second by Paz, to replace Chrissy Preston with Elizabeth Lucas, DOC Office of Victim Services and Programs Director. Motion carried unanimously.

### Discuss Changes to Marsy's Law and Impact on Court Operations

Dunn distributed and reviewed documents titled "New Constitutional Amendment (Marsy's Law)," "Victim Identification Key and Motion to Seal," and "Victim/Witness Identification Key."

Attendees discussed some of the changes that may occur as a result of the new amendment. Some of the changes include:

- "Spur-of-the-moment court hearings," such as for bail adjustments
- At a minimum, the courts need to be notified if a victim is present and wishes to speak, either a phone call to the Clerk's office or filing. It would be ideal to know prior to the hearing.

The courts have asked CCAP if a banner can be added to alert judges if there is a victim involved in the case.

In response to a question from Paz, Dunn responded that she does not know how the law will impact victim attendance at hearings.

Aprahamian suggested that Dunn's staff receive written notification from the victim on the types of cases they would like to be in attendance for, as some may only want to attend final verdicts. This would allow the courts to hold the "spur-of-the-moment court hearings" without needing to notify the victim prior to the hearing.

In response to a question from Luczaj, Dunn stated that there is no timeframe defined for what "reasonable and timely notification" of hearings means.

Peterson will forward information on other counties utilizing DOR for collection of restitution to members of this committee.

Peterson stated that Judge Koschnick, Director of State Courts, approved the form that Paz sent to the State Forms Committee regarding victim keys, and it should be released next week. The key that will be utilized will keep victims' addresses confidential. If counties are interested in maintaining a key to keep victims' names out of the file, judges would need to seal the record and that would be done on a county-by-county basis. There is currently no statute stating that victims' names are confidential.

#### **Continue to Discuss Use of Restitution Affidavit**

The Restitution Affidavits have not been utilized during the COVID-19 pandemic due to the inability to have the forms notarized.

#### **Announcements**

Paz stated that Judge Schimel will be the new Criminal/Traffic Presiding Judge in August when Judge Lazar rotates into the Juvenile Division.

#### **Discuss Agenda Items for Next Meeting**

- Add Judges Schimel and Lazar to the committee
- Continue discussion on the changes to Marsy's Law

#### **Public Comment**

There was no public comment.

#### **Adjourn**

Motion: Aprahamian moved, second by Bell, to adjourn the meeting at 3:05 p.m.