



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Josh Kaul
Attorney General

Room 114 East, State Capitol
P.O. Box 7857
Madison, WI 53707-7857
(608) 266-1221
TTY 1-800-947-3529

February 27, 2020

VIA EMAIL (Diane.Lowe@wisconsin.gov)

Ms. Diane Lowe
Lead Elections Specialist
Wisconsin Elections Commission
212 East Washington Avenue, 3rd Floor
Madison, WI 53703

Re: *Explanatory statement for proposed constitutional amendment*

Dear Ms. Lowe:

Your office asked me to prepare the explanatory statement required by Wis. Stat. § 10.01(2)(c) regarding a referendum question that will be submitted to the people at the general election on April 7, 2020. The referendum question pertains to a proposed amendment to the state constitution. In response to your request, the referendum question and explanatory statement are set forth below.

QUESTION

QUESTION 1: “Additional rights of crime victims. Shall section 9m of article I of the constitution, which gives certain rights to crime victims, be amended to give crime victims additional rights, to require that the rights of crime victims be protected with equal force to the protections afforded the accused while leaving the federal constitutional rights of the accused intact, and to allow crime victims to enforce their rights in court?”

EXPLANATORY STATEMENT

The Wisconsin Constitution, article I, section 9m, currently provides that the state shall treat crime victims “with fairness, dignity and respect for their privacy.” That provision also mandates that the state ensure that crime victims have certain “privileges and protections” relative to the accused and the criminal case. Separate

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from these constitutional provisions, chapter 950 of the Wisconsin Statutes provides a “bill of rights” for victims and witnesses of crimes.

The proposed amendment would make five general changes to article I, section 9m, of the Wisconsin Constitution.

First, in 16 subsections, the proposed amendment would expand the rights of victims by creating additional rights and incorporating other statutory rights into the constitution.

Second, the proposed amendment would incorporate into the constitution a definition of “victim” similar to the definition currently in statute.

Third, the proposed amendment would create an additional mechanism by which victims could enforce their rights as victims.

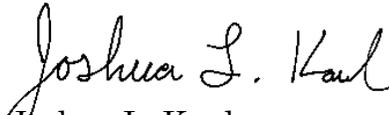
Fourth, the proposed amendment would incorporate into the constitution a limit on governmental liability for any violation of victims’ rights, similar to the limit currently provided by statute.

Fifth, the proposed amendment would provide that it may not be interpreted to supersede a defendant’s federal constitutional rights or afford party status in a proceeding to any victim.

A “yes” vote on this question would amend the Wisconsin Constitution as summarized above.

A “no” vote on this question would decline to amend the Wisconsin Constitution as summarized above. A “no” vote would not alter existing protections for crime victims.

Sincerely,


Joshua L. Kaul
Attorney General

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