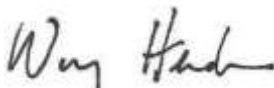


To: DCF/DMCPS Administrator
DCF Area Administrators
Child Placing Agency Directors
Child Welfare Agency Directors
County Departments of Community Programs Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Group Home Providers
Tribal Social Service/Indian Child Welfare Directors
Private Child Placing Agencies
Residential Care Center Providers
Shelter Care Providers
Tribal Chairpersons

From: Wendy Henderson
Administrator



Re: **Constitutional Amendment Related to Crime Victim's Rights**

PURPOSE

The purpose of this memo is to provide information regarding the amendment to the Wisconsin Constitution Article I, Section 9m, ratified by Wisconsin voters on April 7, 2020. The amendment provides additional rights to victims of crime in both adult and juvenile cases and is commonly known as Marsy's Law.

BACKGROUND

On April 7, 2020, Wisconsin voters ratified an amendment to the Wisconsin Constitution, Article 1, Section 9m, that provides additional rights to victims of crime in both adult and juvenile cases. The amendment is commonly known as Marsy's Law. The changes became effective May 4, 2020, when the Wisconsin Elections Commission certified the election results.

System stakeholders, including county human/social services departments, have had questions regarding the amendment's provisions and its implementation. Initial resources and information have been made available, including guidance from the Wisconsin Supreme Court Office of Court Operations (see attachment) and resources from the [Wisconsin Department of Justice Office of Crime Victim Services](#), including a one-page summary of [Victims of Crime Constitutional Rights](#).

INFORMATION SUMMARY

As noted, the provisions of Marsy's Law apply to victims in both adult and juvenile cases. Youth justice staff have raised questions regarding the specific applications of those provisions in several areas relevant to juvenile cases, including juvenile intake, deferred prosecution agreements, and custody hearings. The attached table provides a side-by-side review of selected provisions of Wis. Stats. Chapter 938 [Juvenile Justice Code] and Wis. Stats. Chapter 950 [Rights of Victims and Witnesses of Crime], along with potentially relevant or related provisions of the Wisconsin Constitution Article 1, Section 9(m) [Victims of Crime].

It is important to note that some of the terms in Article 1, Section 9(m) are not explicitly defined, and it is not always specified who is responsible for guaranteeing certain rights or how those rights should be operationalized. Guidance from the Director of State Courts Office indicates that "many of these unanswered questions will only be clarified over time by legislative changes and interpretation by circuit courts, appellate courts, and the Crime Victims Rights Board." County human/social service agencies should seek legal guidance from their county corporation counsel on their specific obligations. We also encourage close collaboration with local justice system partners in evaluating how best to implement these changes in each county.

CENTRAL OFFICE CONTACT: Youth Justice Policy Coordinator
Bureau of Youth Services
DCFYJ@wisconsin.gov

MEMO WEB SITE: <http://dcf.wisconsin.gov/memos>

ATTACHMENT LINKS: [Comparison of Selected Provisions of Ch 938, Ch 950, and WI Constitution WI Supreme Court Office of Court Operations Memo 5-12-2020](#)