

February 5, 2014

To: Members of the Senate Committee on Judiciary and Labor
From: Senator Glenn Grothman
Re: Senate Bill 585

This simple, noncontroversial legislation was brought to Representative Strachota and me by our constituent, Kelly Schroeder.

Under current law, the presentence investigation report is generally confidential. However, it is reviewed by the district attorney, defendant's attorney and a defendant if they are not represented by counsel. But, the victim does not have the right to view the presentence investigation report.

This legislation will allow a victim to view the portions of the report that contains information concerning the victim and the portion relating to sentencing recommendations. I have shared this bill with many individuals in the field and no one has raised any concerns.

Please join me in supporting this simple legislation that will help victims as they proceed through the court process.



PAT STRACHOTA

STATE REPRESENTATIVE

Testimony on Presentence Investigation Report Legislation – 2/14/14

Senate Bill 585 provides crime victims with the ability to make sure their side of a court case is accurately and adequately depicted in the Pre-Sentence Investigation Report (PSI) and view what the report recommends for a sentence.

The PSI process is very important. The Department of Corrections compiles a thorough and often lengthy report that takes statements from the both the accused and the victim regarding the crime. It also gathers other information from the accused about their life, schooling, employment history, etc. With all the evidence collected, the report then makes a recommendation as to the sentence that should be imposed for the crime committed. Judges take this report into high consideration during sentencing, and it needs to accurately take into account the testimony of both parties. Currently, the victim is not allowed to view any portion of the report, but the defendant is. This bill provides victims with a right that they deserve.

It is important for their peace of mind to allow the victim to see how the information they provided during the PSI interview is presented in the report. It gives them the opportunity to address any questions or concerns they have during their time speaking before the court. This legislative change to amend the victim's bill of rights was suggested by a constituent whose family dealt with an overly frustrating legal process in order to get justice.

In crafting this bill, we worked closely with the Department of Justice, the Department of Corrections, and court officials in Washington County.