

# Sen. Wanggaard: Marsy's Law allows victims to protect medical privacy

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MADISON - Crime victims have won a major victory for medical privacy thanks to a recently adopted Wisconsin constitutional amendment authored by Senator Van Wanggaard (R-Racine) and Representative Todd Novak (R-Dodgeville). A unanimous 4th District Wisconsin Court of Appeals ruled that the amendment, known as Marsy's Law, grants crime victims the right to intervene and be heard to prevent the release of their medical records.

"Too often, sexual assault victims are targeted and intimidated by defendants seeking the release of their medical history and records," said Wanggaard. "Thanks to Marsy's Law, victims can now object in court to the release and inspection of these records to protect their privacy. Marsy's Law worked exactly as we intended."

In the Waupaca County case, *State v Johnson*, the defendant sought inspection of a sexual assault victim's medical record, using what is known as a Shriffa-Green motion. Under Shriffa-Green, a defendant can compel a victim to provide his/her health care records to the court for review as to whether the records should be released. The victim tried to intervene and be heard in opposition to the release of their records. The circuit court denied the victim's motion, which was then appealed.

The 4th District Court of Appeals ruled that Marsy's Law gave victims the right to standing and to be heard in opposition to the Shriffa-Green motion. The Court of Appeals did not block the inspection or release of the medical records, only that the victim be heard and allowed to object before allowing inspection.

"Marsy's Law has always been about protecting crime victims and giving them a voice in court," said Wanggaard. "Thanks to today's ruling, it has done just that,

and scored a major victory for protection of victims' health care records, too.”

Marsy's Law, was adopted by voters in the April 2020 election by a 50-point margin, 75-25%. *State v. Johnson*, which can be read [here](#), is believed to be the first appeals court case on Marsy's Law in the state. The case returns to the Waupaca County Circuit Court for the purpose of hearing the victim's opposition to the release of medical records.