



**SENATE SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 721**

May 8, 1996 - Offered by Senator ADELMAN.

1 **AN ACT to amend** 971.23 (3) (a), 971.23 (5) and 971.24 (1); and **to create** 971.23
2 (5m) of the statutes; **relating to:** discovery of expert opinions and reports in
3 criminal cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 971.23 (3) (a) of the statutes is amended to read:
5 971.23 (3) (a) A defendant may, not less than 15 days nor more than 30 days
6 before trial, serve upon the district attorney an offer in writing to furnish the state
7 a list of all witnesses the defendant intends to call at the trial, whereupon within 5
8 days after the receipt of such offer, the district attorney shall furnish the defendant
9 a list of all witnesses and their addresses whom the district attorney intends to call
10 at the trial. Within 5 days after the district attorney furnishes such list, the
11 defendant shall furnish the district attorney a list of all witnesses and their
12 addresses whom the defendant intends to call at the trial. This section shall
13 paragraph does not apply to rebuttal witnesses ~~or those~~, to witnesses called for

1 impeachment only or to expert witnesses named on a list furnished under sub. (5m)
2 (a) 1.

3 **SECTION 2.** 971.23 (5) of the statutes is amended to read:

4 971.23 (5) SCIENTIFIC TESTING. On motion of a party subject to s. 971.31 (5), the
5 court may order the production of any item of physical evidence which is intended
6 to be introduced at the trial for scientific analysis under such terms and conditions
7 as the court prescribes. Except as provided in s. 972.11 (5), the court may also order
8 the production of reports or results of any scientific tests or experiments made by any
9 party relating to evidence intended to be introduced at the trial if the reports or
10 results are not subject to production under sub. (5m) (a) 2.

11 **SECTION 3.** 971.23 (5m) of the statutes is created to read:

12 971.23 (5m) EXPERT WITNESSES. (a) Upon demand of the other party, a party
13 shall do all of the following:

- 14 1. Furnish a list of experts whom the party intends to call at trial.
- 15 2. Produce any relevant written or recorded reports or statements that an
16 expert named on a list under subd. 1. made in connection with the case or, if an expert
17 named on a list under subd. 1. does not prepare a report or statement, a written
18 summary of the expert's findings or the subject matter of his or her testimony. A
19 report, statement or summary produced under this subdivision shall include the
20 results of any physical or mental examination, scientific test, experiment or
21 comparison that the defendant intends to offer in evidence at trial.

22 (b) Paragraph (a) does not apply to reports subject to disclosure under s. 972.11
23 (5).

24 **SECTION 4.** 971.24 (1) of the statutes is amended to read:

