

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-AB157)**

Received: 07/06/2001

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Wayne Wood (608) 266-7503

By/Representing: Shaun Haas

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**  
**Criminal Law - law enforcement**

Extra Copies: **rlr**  
**Shaun Haas (Leg. Council)**

Submit via email: NO

Requester's email:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Body armor exemption for witnesses and informers

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vcrs.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mdsida 07/06/2001	jdyer 07/06/2001 jdyer 07/12/2001	jfrantze 07/06/2001	_____	lrb_docadmin 07/06/2001		
/1			pgreensl 07/12/2001	_____	lrb_docadmin 07/12/2001	lrb_docadmin 07/12/2001	

FE Sent For: >

<END>

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/P1	mdsida 07/06/2001	jdyer 07/06/2001	jfrantze 07/06/2001	<i>[Handwritten initials]</i>	lrb_docadmin 07/06/2001	<i>[Handwritten mark]</i>	
FE Sent For:		<i>1 7/2 jw</i>	<i>7/2 ps</i>	<i>selb</i>			
				<END>			

*for Assembly*

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/P1	mdsida	1 7/6 jld	7/1/01	Self 7/6			

FE Sent For:

<END>



The State of Wisconsin  
**LEGISLATIVE COUNCIL STAFF**  
One East Main Street, Suite 401  
P.O. Box 2536  
Madison, WI 53701-2536  
(608) 266-1304/FAX (608) 266-3830  
[leg.council@legis.state.wi.us](mailto:leg.council@legis.state.wi.us)

DATE: 6/13/01  
TO: Michael D'sida  
FROM: Sherron Hoza 79025  
RE: Amendment to AB 157

Please draft this amendment to AB 157 for Rep. WOOD. If it can be drafted as a simple amendment, I think that would be best. Please send me a copy of the amendment. If you have questions, please call. The goal is to achieve consistency between subs.(5)(a) and (b).

The Bill has had a hearing but an executive session has not been scheduled yet.

13 (5) EXEMPTION FOR CERTAIN WITNESSES AND INFORMERS. (a) A person who is  
14 otherwise prohibited from possessing body armor under sub. (2) may <sup>wear</sup> ~~possess~~ body  
15 armor if ~~all of the following apply:~~ *the* <sup>1</sup>

16 ~~1.~~ <sup>1</sup> The person is furnishing or has furnished information to a law enforcement  
17 agency relating to a possible violation of law or is assisting or has assisted a law  
18 enforcement agency in an investigation of a possible violation of law. <sup>1</sup>

*and is wearing the body armor at the request or direction of the law enforcement agency*

*(b) A person who is otherwise prohibited from possessing body armor under sub. (2) may possess body armor if all of the following apply:*

19 ~~2.~~ <sup>1</sup> The law enforcement agency to which the person is furnishing or has  
20 furnished information or to which the person is providing or has provided assistance  
21 determines that there is reason to believe that the person may be in danger of  
22 suffering death or great bodily harm because he or she is furnishing or has furnished  
23 information or because he or she is assisting or has assisted or is assisting in an  
24 investigation.

25 <sup>2.</sup> ~~3.~~ <sup>1</sup> The law enforcement agency to which the person is furnishing or has  
26 furnished information or to which the person is providing or has provided assistance  
27 approves of the person's request to possess body armor under par. <sup>(c)</sup> ~~(b)~~.

28 <sup>(c)</sup> ~~(b)~~ A person seeking an exemption under <sup>par. (b)</sup> ~~this subsection~~ from the prohibition  
29 under sub. (2) shall request the exemption from the law enforcement agency to which  
30 the person is furnishing or has furnished information or to which the person is

7 providing or has provided assistance. The law enforcement agency may deny the  
8 request for an exemption, grant a complete exemption from the prohibition, or grant  
9 a partial exemption by allowing possession of body armor only under certain  
10 specified circumstances or in certain locations or both. If the law enforcement agency  
11 grants a request for an exemption under this subsection, it shall keep a written  
12 record of the exemption. If the exemption is a partial exemption, the record shall  
13 specify the circumstances under which the person may possess body armor, the  
14 locations in which the person may possess body armor, or, if applicable, both. A  
15 written record relating to an exemption granted by a law enforcement agency under  
16 this subsection is not subject to inspection or copying under s. 19.35 (1), except that  
17 a written record shall, upon request, be disclosed to another law enforcement agency  
18 or a district attorney, if the other law enforcement agency or the district attorney is  
19 investigating or prosecuting an alleged violation of sub. (2) or to the person to whom  
20 the exemption was granted.



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa0632/P1

MGD:.....

D Note

Jkd

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,  
TO 2001 ASSEMBLY BILL 157

- 1 At the locations indicated, amend the bill as follows: ✓
- 2 1. Page 4, line <sup>8</sup>2: after "(5)," insert "(5m)".
- 3 2. Page 6, line 13: after "EXEMPTION" insert "BASED ON REQUEST OF LAW
- 4 ENFORCEMENT AGENCY".
- 5 3. Page 6, line 14: delete ~~possess~~<sup>may</sup> and substitute ~~wear~~<sup>may</sup>.
- 6 4. Page 6, line 15: delete the material beginning with "all" and ending with
- 7 "The" on ~~page 6~~<sup>page 6</sup>, line 16 and substitute "the". ✓
- 8 5. Page 6, line 18: after "law" insert "and is wearing the body armor at the
- 9 request or direction of the law enforcement agency". ✓
- 10 6. Page 6, line 18: after that line insert: ✓



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa0632/P1dn

MGD:.....

date

JLW

Rep. Wood:

If a person is exempt from the prohibition under sub. (5) because a law enforcement agency has directed the person to wear body armor, the agency is not required to keep the same type of records that must be kept if the person receives an exemption under either sub. (4) or (5m). Is that your intent?

Michael Dsida  
Legislative Attorney  
Phone: (608) 266-9867

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa0632/P1dn  
MGD:jld:jf

July 6, 2001

Rep. Wood:

If a person is exempt from the prohibition under sub. (5) because a law enforcement agency has directed the person to wear body armor, the agency is not required to keep the same type of records that must be kept if the person receives an exemption under either sub. (4) or (5m). Is that your intent?

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State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa0632/P1  
MGD:jld:jf

SOON

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,  
TO 2001 ASSEMBLY BILL 157

No changes

retrieve  
from hold

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 4, line 8: after "(5)," insert "(5m),".
- 3 **2.** Page 6, line 13: after "EXEMPTION" insert "BASED ON REQUEST OF LAW
- 4 ENFORCEMENT AGENCY".
- 5 **3.** Page 6, line 14: delete "may possess" and substitute "may wear".
- 6 **4.** Page 6, line 15: delete the material beginning with "all" and ending with
- 7 "The" on line 16 and substitute "the".
- 8 **5.** Page 6, line 18: after "law" insert "and is wearing the body armor at the
- 9 request or direction of the law enforcement agency".
- 10 **6.** Page 6, line 18: after that line insert:





**LPS: PLEASE PREPARE AND RETURN LRB FOLDER  
COPIES AND HOUSE COPIES TO JLD. THANKS.**

**CORRECTIONS IN: CCC (LRBa0632/1)**

**ASSEMBLY AMENDMENT 1**

**2001 ASSEMBLY BILL 157**

Prepared by the Legislative Reference Bureau  
(March 20, 2002)

In enrolling, the following correction was made:

1. Page 1, line 4: after that line insert:

"2m. Page 6, line 13: delete "(a)"."

frz

#. Page 2, line 1: after "INFORMERS." insert  
"(a)".

cs

KMG:

.....

Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31, Assembly Rule 37 and Joint Rule 56.



State of Wisconsin  
2001-2002 LEGISLATURE

**CORRECTIONS IN:**

**ASSEMBLY AMENDMENT 1,  
TO 2001 ASSEMBLY BILL 157**

Prepared by the Legislative Reference Bureau  
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- 1.** Page 1, line 4: after that line insert:  
"2m. Page 6, line 13: delete "(a)"."
- 2.** Page 2, line 1: after "INFORMERS." insert "(a)".

LRBa0632/1ccc-1  
JLD:kjf

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