



2005 ASSEMBLY BILL 37

January 25, 2005 - Introduced by Representatives FRISKE, ALBERS, BALLWEG, OTT, MUSSER, GUNDERSON, HAHN, STONE, TOWNSEND, GRONEMUS and LEHMAN, cosponsored by Senators ROESSLER and A. LASEE. Referred to Committee on Judiciary.

1 **AN ACT to create** 906.15 (2) (bm) of the statutes; **relating to:** an exemption from
2 the witness exclusion rule for a law enforcement investigator designated by the
3 state in criminal and delinquency proceedings.

Analysis by the Legislative Reference Bureau

Under current law, upon the request of a party to a legal proceeding, a judge must issue an order excluding witnesses from the proceeding so that they cannot hear each other's testimony. A judge may also independently order witnesses excluded. However, a witness exclusion order does not apply to: a person who is a party to the proceeding; a representative of a company or other entity that is a party to the proceeding; a person whose presence is shown to be essential to the presentation of a party's cause; or, in criminal or delinquency cases, the victim of the crime or delinquent act, unless the judge finds that exclusion of the victim is necessary for a fair trial.

This bill provides that a witness exclusion order does not apply in criminal or delinquency cases to a law enforcement investigator designated by the prosecutor.

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

4 **SECTION 1.** 906.15 (2) (bm) of the statutes is created to read:

