2007 DRAFTING REQUEST

Senate Amendment (SA-SB214)

Received: **08/10/2007**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Dean Kaufert (608) 266-5719**

By/Representing: **Cale Battles**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - libraries**

Extra Copies: **TKK**

Submit via email: **YES**

Requester's email: **Rep.Kaufert@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Library records

Instructions:

See Attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	pgrant 08/10/2007	kfollett 08/10/2007		_____ _____			
/1			pgreensl 08/10/2007	_____ _____	cduerst 08/10/2007	cduerst 08/10/2007	

FE Sent For:

<END>

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/?	pgrant	/1 lgf 8/10	8/10 P8	~~8/10~~ P8/10			

FE Sent For:

<END>

Grant, Peter

From: Battles, Cale
Sent: Tuesday, August 07, 2007 10:54 AM
To: Grant, Peter
Cc: Boerger, Michael
Subject: RE: Library Language

Peter,

Can we have a simple amendment drafted to both the Assembly and Senate Bills on the library bill (lrb 2550/1) that says:

Upon the request of a law enforcement officer who is investigating criminal conduct alleged to have occurred at a library supported in whole or in part by public funds, the library shall disclose to the law enforcement officer all records produced by a surveillance device under the control of the library that are pertinent to the alleged criminal conduct.

Thanks for your help.

Cale Battles

Rep. Kaufert's Office

6-5719

From: Grant, Peter
Sent: Tuesday, April 24, 2007 10:18 AM
To: Battles, Cale
Subject: RE: Library Language

Thanks, Cale.

From: Battles, Cale
Sent: Tuesday, April 24, 2007 10:17 AM
To: Grant, Peter
Subject: RE: Library Language

Peter,

At this time, just proceed with the simple language change on surveillance devices.

Cale

From: Grant, Peter
Sent: Tuesday, April 17, 2007 11:49 AM
To: Battles, Cale
Subject: RE: Library Language

Thanks for the info, Cale. The AG opinion is helpful. Before I got your email, I had tentatively scratched out some language that would require disclosure in the circumstances that you mentioned in your message yesterday. Here's my initial attempt:

(5) Upon the request of a law enforcement officer who is investigating criminal conduct alleged to have occurred at a library supported in whole or in part by public funds, the library shall [would you prefer "may"?] disclose to the law enforcement officer all records produced by a surveillance device installed and maintained by the library.

I think this would accomplish your purpose. It also satisfies the AG's suggestion that "...section 43.30...be amended so that it would simultaneously protect the privacy rights of library patrons and still allow library staff to provide video

surveillance tapes to law enforcement agencies when criminal activity is suspected or witnessed." (see AG opinion, page 9, 3rd full paragraph)

The Library Association's suggested language attempts to solve more problems than the one you had mentioned in your voice mail. I don't know what those problems are, so I can't tell if the current statute poses additional problems or if the Association's language solves them. Regarding the problem you mentioned to me regarding criminal conduct, the Association apparently believes that its language would allow the release of records to law enforcement officers for the investigation of criminal conduct because the investigation of criminal conduct is an "administrative library purpose." I'm not sure that's true.

Please let me know how you would like me to proceed.

Peter

From: Battles, Cale
Sent: Tuesday, April 17, 2007 10:51 AM
To: Grant, Peter
Subject: Library Language

Peter,

Just following up on my phone message from yesterday on language changes in 43.30. I have talked to the Wisconsin Library Association and they have some suggested language changes that would help regarding this issue. I will attach their recommendation below. Rep. Kaufert just wants to make sure that if the library feels a crime is committed that they are allow to turn over surveillance tapes without a court order to law enforcement. It also appears that DOJ wrote an opinion on this issue. For your information, I will also attach that information.

Again if you have any questions please feel free to contact me at anytime.

Thanks,

Cale Battles
Rep. Kaufert's Office
6-5719

http://dpi.wi.gov/pld/pdf/agsurveillance.pdf

Current /*draft amendment* language of 43.30

Public library records. (1b) In this section, "custodial parent" includes any parent other than a parent who has been denied periods of physical placement with a child under s. 767.24 (4) [s. 767.41 (4)].

(1m) Records of any library which is in whole or in part supported by public funds, including the records of a public library system, indicating the identity of any individual who borrows or uses the library's documents or other materials, resources, or services may not be disclosed except by court order or to persons acting within the scope of their duties in the administration of the library or library system, to persons authorized by the individual to inspect such records, to custodial parents or guardians of children under the age of 16 as required under sub. (4), or to libraries as authorized under subs. (2) and (3).

(2) A library supported in whole or in part by public funds may disclose an individual's identity to another library for the purpose of borrowing materials for the individual only if the library to which the individual's identity is being disclosed meets at least one of the following requirements:

(a) The library is supported in whole or in part by public funds.

(b) The library has a written policy prohibiting the disclosure of the identity of the individual except as authorized under sub. (3).

(c) The library agrees not to disclose the identity of the individual except as authorized under sub. 3)

(3) A library to which an individual's identity is disclosed under sub. (2) and that is not supported in whole or in part by public funds may disclose that individual's identity to another library for the purpose of borrowing materials for that individual only if the library to which the identity is being disclosed meets at least one of the requirements specified under sub. (2) (a) to (c).

(4) Upon the request of a custodial parent or guardian of a child who is under the age of 16, a library supported in whole or part by public funds shall disclose to the custodial parent or guardian all library records relating to the use of the library's documents or other materials, resources, or services by that child.

History: 1981 c. 335; 1991 a. 269; 2003 a. 207.

(5) *Library records may be released for administrative library purposes, including establishment or maintenance of a system to manage the library records or to assist in the transfer of library records from one records management system to another, compilation of statistical data on library use, collection of fines and penalties, and the protection of library staff, library users, and library property. Records released to third parties for administrative library purposes may not be used or disclosed for any other purpose.*

2005 Date (time) needed Soon LRBa 0652 / 1

AMENDMENT

PG : kgf :

See form **AMENDMENTS — COMPONENTS & ITEMS.**

S A AMENDMENT

TO S A AMENDMENT _____ (LRBa /),

TO S A SUBSTITUTE AMENDMENT _____ (LRBs /),

TO 2005 SB SJR SR AB AJR AR 214 (LRB– /)

At the locations indicated, amend the bill as follows:

(fill ONLY if "engrossed ...." or "as shown by .....")

#. Page 2, line 16: after "records" insert "pertinent to the alleged criminal conduct that were".

#. Page . . . , line . . . . :

(End)

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

[rev:1/6/05 2005DF04(fm)]