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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**2009-10**

(session year)

**Senate**

(Assembly, Senate or Joint)

**Committee on ... Transportation, Tourism,  
Forestry, and Natural Resources (SC-TTFNR)**

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Mike Barman (LRB) (June/2012)

## Senate

### Record of Committee Proceedings

#### **Committee on Transportation, Tourism, Forestry, and Natural Resources**

##### **Assembly Bill 230**

Relating to: electronic access by law enforcement agencies to photographs on motor vehicle operators licenses and identification cards.

By Representatives Hraychuck, Rhoades, Shilling, Montgomery, Brooks, Berceau, Van Akkeren, Danou, Gottlieb, LeMahieu, Townsend, Huebsch, Pridemore, Lothian, Gundrum, A. Ott, Jorgensen, Spanbauer, Steinbrink, Dexter, Kaufert, Murtha, Ripp and Bies; cosponsored by Senators Lehman, Olsen, Harsdorf, Leibham, Schultz, Darling and A. Lasee.

November 09, 2009 Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

January 14, 2010 **PUBLIC HEARING HELD**

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (0) None.

##### Appearances For

- Ann Hraychuck, Balsam Lake — 28th Assembly District
- Kitty Rhoades — 30th Assembly District
- Gary Hamblin — WI Department of Justice
- Walt Neverman — WI Department of Justice
- Bruce Resnick — Wisconsin Chief's of Police

##### Appearances Against

- None.

##### Appearances for Information Only

- Rick Kleist — WI DOT

##### Registrations For

- J.B. Van Hollen — Attorney General- DOJ
- Alice O'Connor — Wisconsin Chiefs of Police Association
- Casey Perry — NTA
- Jeff Wiswell, Madison — Wisconsin Sheriffs and Deputy Sheriffs Association

##### Registrations Against

- None.

##### Registrations for Information Only

- None.

January 20, 2010

**EXECUTIVE SESSION HELD**

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.  
Absent: (0) None.

Moved by Senator Kedzie, seconded by Senator Hansen that **Assembly Bill 230** be recommended for concurrence.

Ayes: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.  
Noes: (0) None.

CONCURRENCE RECOMMENDED, Ayes 7, Noes 0

Elizabeth Novak  
Committee Clerk



... to bill jacket



WISCONSIN STATE ASSEMBLY

28TH ASSEMBLY DISTRICT

**ANN HRAYCHUCK**  
STATE REPRESENTATIVE

December 8, 2009

Senator Jim Holperin, Chair  
Senate Committee on Transportation, Tourism, Forestry, and Natural Resources  
State Capitol, 409 South  
*HAND DELIVERED*

RE: Assembly Bill 230

Dear *Jim* Senator Holperin:

I am writing to respectfully request that you schedule Assembly Bill 230 for a public hearing. As you know, this is legislation that would allow law enforcement agencies to access photographs from drivers' licenses and state ID cards electronically. This bill was referred to your committee on November 9<sup>th</sup>.

Assembly Bill 230 is the result of months of discussion with the Department of Justice and law enforcement groups from across the state. This bill prevents time delays and misidentifications of citizens by allowing officers to obtain photographs from drivers' licenses and other forms of identification at the scene of the crime.

Thank you for your consideration of Assembly Bill 230. If you have any further questions about my support for scheduling this legislation for a public hearing, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Hraychuck".

Ann Hraychuck  
State Representative  
28th Assembly District

AH/st



**AB-230 January 14, 2010**

**Thank you Chairman Holperin and members of the committee, I'm here today representing the Wisconsin Department of Transportation and to provide information on Assembly Bill 230 which would require DOT to make driver license or identification card photos available within 30 days of their capture to the Department of Justice for use by law enforcement through the Department of Justice TIME system.**

**Current law allows access to copies of DMV image's to law enforcement and provides measures to guard against further disclosure and proper use. This proposal provides substantially similar measures while at the same time requiring that the image be digital and available electronically. This bill does not keep the current requirement that allows an out-of-state law enforcement agency to gain access to DMV photos only if their state grants similar or greater access of their state's photos to Wisconsin law enforcement agencies.**

**DMV's image database is stored on a unique server, which is separate from other DMV data, such as vehicle and driver records, currently accessible to DOJ. DOT is now in the process of obtaining a new, larger server capable of storing significantly more data. Currently, access to images is done using DMV's license and identification card vendor, L1, via a query system, and is limited. It will cost in excess of \$78,000 to link our photo image database to DOJ's TIME system to:**

- Process the query received from DOJ's TIME system**

- Use that query to perform a search of the L1 database
- Procure the digital image from the database
- Transmit the digital image via TIME to DOJ to disseminate to the requestor
- Resolve any firewall and secure ID issues

Alternatively, and possibly less expensively, a server could be set up at DOJ to house a copy of the DOT photo image database. DOT could provide periodic updates to that server with new images (AB-230 requires that images be available within 30 days of their capture). DOJ would have to develop a manner of querying their new database and distributing the image through the TIME system.

The proposal does not clearly assign responsibility for the cost or development of this process. For example, simply allowing a DOJ employee access to the image server could satisfy the mandate of “make available to the department of justice, in a digital format”.

DOT asks whether there is a plan to ensure reciprocity among states that access Wisconsin’s electronic photos. Currently, DOT cannot release hard copy photos to another state unless that state shares its photos with Wisconsin. This bill does not require DOJ to limit access to those states that agree to share their electronic photos with Wisconsin law enforcement agencies.

In 2009, DOT received 9,100 requests from law enforcement for manual copies of drivers’ photos. If this proposal becomes law, DOT will most likely experience a reduction in manual requests for photos. As I mentioned, computer programming for DMV internal computers alone is estimated to cost in excess of \$78,000. Costs for system



**development and coordination with our vendor, L1, have not been determined. Once it is determined who is responsible for development of the process and system, DOT will need to work with DOJ and L1 to develop a solution to meet all the technical requirements of the proposal.**

**Thank you for the opportunity to discuss these issues and I would be happy to try to respond to any questions you may have.**

**Rick Kleist  
DMV Legislative Liaison**





STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

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J.B. VAN HOLLEN  
ATTORNEY GENERAL

Raymond P. Taffora  
Deputy Attorney General

114 East, State Capitol  
P.O. Box 7857  
Madison, WI 53707-7857  
608/266-1221  
TTY 1-800-947-3529

TO: Members of the Senate Committee on Transportation, Tourism, Forestry, & Natural Resources

FR: Attorney General J.B. Van Hollen

A handwritten signature in cursive script that reads 'J.B. Van Hollen'.

DT: January 14, 2010

RE: 2009 Assembly Bill 230

Dear Senators:

Please accept the attached written testimony in support of AB 230, relating to Electronic Distribution of Drivers' Photos. This written testimony was also delivered to the Assembly Committee on Transportation when that committee held a public hearing on the bill July 16, 2009.

Thank you.



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

J.B. VAN HOLLEN  
ATTORNEY GENERAL

Raymond P. Taffora  
Deputy Attorney General

114 East, State Capitol  
P.O. Box 7857  
Madison, WI 53707-7857  
608/266-1221  
TTY 1-800-947-3529

TO: Members, Senate Committee on Transportation, Tourism, Forestry, and Natural Resources

FR: Attorney General J.B. Van Hollen

DT: January 14, 2010

RE: Written Testimony in Support of 2009 Assembly Bill 230 Relating to Electronic Distribution of Drivers' Photos

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I am writing today to support 2009 Assembly Bill 230. This important legislation would bring the law in line with technology. Once implemented, the bill will protect law enforcement officers, help them protect the public, and do so in a manner that will appropriately protect against inappropriate use of drivers' photos.

The TIME system is a computer-based law enforcement communications control center, managed by the Department of Justice. It is the critical information network relied on by law enforcement officers for timely, accurate, on-the-scene information. While law permits the sharing of driver's photos on written request for certain criminal justice purposes, it does not enable real-time electronic access to these records as it does with other DOT records, court records, criminal history records, and a series of other records that aid an officer making a stop or responding to a call. This bill, if enacted, would change that.

As Attorney General, I've had the privilege of traveling the state and meeting with local law enforcement to talk about what we can do at the state level to help them do their jobs better. One issue that's been repeatedly raised is the desirability of the TIME system to carry drivers' license photos. I and my staff agree with these local law enforcement officers: public safety and law enforcement can be considerably enhanced by enabling real-time access to DOT photos.

To implement this bill, absent state or federal funding, the Department will need to delay other projects relating to electronic support of law enforcement. The Department has an ongoing project to improve the TIME system to match modern technology and meet recommended standards that are being used or being implemented nationally. Making DOT photographic records electronically available over the TIME system—a capability enjoyed by our neighbors in Minnesota—will fit into this ongoing project. Make no mistake. While other TIME system improvements will be delayed absent funding, there is probably no single TIME system related

project that will be more appreciated by law enforcement than the one that would be mandated by the bill if enacted.

I commend Representatives Hraychuk and Rhoades for their leadership on this bill. And I appreciate the support of the numerous legislators of both parties who are sponsoring this legislation. I am proud to formally support this legislation and I encourage this Committee to support it as well.





**ANN HRAYCHUCK**  
**STATE REPRESENTATIVE**

January 14, 2010

**Testimony of Rep. Ann Hraychuck**  
**Before the Senate Committee on Transportation, Tourism, Forestry,**  
**and Natural Resources**  
**Regarding AB 230**

Good Morning, Chairman Holperin, and committee members. I appreciate having the opportunity to speak with you about Assembly Bill 230.

Assembly Bill 230 would allow law enforcement agencies to access photographs from drivers' licenses and state ID cards electronically through the Transaction Information for the Management of Enforcement (TIME) system. I was a co-sponsor of this legislation last session when it was authored by Rep. Rhoades, and we decided to work together again this session.

Current law requires law enforcement to submit a written request to the Department of Transportation to obtain a copy of a photo from a driver's license or state ID card. It takes about two weeks for an officer to receive the requested photo. After waiting that long a photo may be of little use. Our bill would allow law enforcement officials to quickly access the photos electronically in their patrol car or at their dispatch center when they need it. This technology could be a powerful tool in helping keep our communities safe.

After spending more than 30 years in law enforcement, I understand the critical importance of having access to timely information. Having the ability to view these photos in real-time will greatly enhance officer safety which translates to greater public safety.

In addition, AB 230 does preserve the statutory regulations preventing further disclosure of these photographs when accessed by law enforcement.

I am also pleased to note that this bill is supported by the Milwaukee Police Association, Wisconsin Chiefs of Police Association, Wisconsin County Police Association, Wisconsin Professional Police Association, Wisconsin Sheriffs and Deputy Sheriffs Association, and the Wisconsin Troopers Association.

Thank you for your consideration. I would be happy to answer any questions that you may have.





**Testimony of Gary H. Hamblin in Support of 2011 Assembly Bill 230**  
**Senate Transportation Committee**  
**January 14, 2010**

Mr. Chairman, members of the Senate Committee on Transportation, Tourism, Forestry and Natural Resources, I am Gary Hamblin, Administrator of the Division of Law Enforcement Services in the Wisconsin Department of Justice and with me is Walt Neverman, the Director of the Department's Crime Information Bureau. Thank you for the opportunity today to testify in support of what I believe to be one of the greatest aids to public safety to come along in a long time- Assembly Bill 230.

Our Wisconsin law enforcement community, for years, has relied on the TIME (Transaction Information for Management of Enforcement) system for a wide range of timely, accurate, on-scene information relating to almost every call. Information such as physical descriptions, personal identifiers, vehicle information, wanted or missing person status as well as officer safety information is all available through the TIME system. The system, a computerized network managed by the Department of Justice, is used, in fact relied on, by officers 24 hours a day, 365 days a year to do their jobs safely and effectively. The system connects officers with a multitude of data bases that help them do their jobs. But to date, there has been one glaring hole in the information available to officers on the street. That missing piece has been the ability to electronically access photographs to aid in the identification of those encountered by law enforcement each day.

The TIME system network has been operational for over 35 years. During most of that time, Wisconsin motor vehicle operator licenses have included photographs. For over 10 years, law enforcement has had the ability to make a written request to Department Of Transportation for drivers' license photographs to be used for appropriate investigative purposes. The process involving written requests and responses, however, is not timely. In recent years, the technical capability to transmit images in real time over the TIME system has become a reality. But the law—at least as it relates to drivers' license photos—has lagged behind.

As a person who recently completed an almost 40 year career as a Wisconsin law enforcement officer, the last 9 ½ as Sheriff of Dane County, I can tell you that having drivers license photos available to officers in the field would be an immense improvement in the officers' ability to provide public safety. And I know that Attorney General Van Hollen has heard the same message from law enforcement officials as he has traveled and met with them around the state.

Certainly having drivers license photos readily available could improve officer safety. Officers make traffic stops everyday. Fortunately, most of the people they stop are people like you and I who pose no threat to the officer, but the officer, at the time of the stop cannot assume that. He/she must be alert to any sign that the driver may pose a threat. At that stop, the first thing the officer does is query the TIME system to get

information on the vehicle. The next step is to approach the vehicle and identify the driver. Now, if the driver has something to hide, a record, a warrant, no driver's license, whatever, the driver will usually give the officer a name but claim to have no identification. The name given may or may not be the person's true name. At that point, it would be a great help if the officer could return to his or her squad and obtain the driver's license photo connected to the name supplied by the driver and either verify the identity, or call for backup for safety if the name supplied by the driver and the photo do not match. With additional help at the scene, the matter is more likely to be resolved quickly and safely.

But the value of having photos readily available goes beyond officer safety. This tool will help protect everyone. I recall an incident that occurred when I was sheriff. Madison area law enforcement agencies were notified that a disgruntled citizen from a rural part of the state was on his way to Madison to confront someone in the Capitol about a particular issue and the citizen was believed to be capable of violence. Of course, security was tightened here in the Capitol, but think how much easier it would be to identify that person if each officer had ready access to the subject's DL photo rather than having to rely only on a vague, general, physical description.

Or, think about how much easier it would be to find the elderly man who becomes confused and wanders away from his home in the evening if each responding officer had ready access to the man's DL photo. In each of these instances, the ready access to photos could mean the difference between a happy ending and a tragic outcome.

The good news is that we currently have the technology to make this happen. In recent years, the TIME system has undergone technical modifications so that it can handle transmitting digital images. In fact, our Wisconsin law enforcement officers already have access to the driver license photos of Minnesota residents. To be sure, some technical changes will need to be worked out to make Wisconsin Driver License photos available; we have to enable our DOJ computers to talk to DOT's computers so that we can receive DOT photos. And we'll have to program our computers to transmit those images upon receiving a request bearing the appropriate electronic signature.

And, of course, there will be costs to make this all happen. But in the past, there has been federal grant money available to promote the interstate sharing of driver license photos. Our best information at the present is that some federal funds will be available to help defray some of the costs of implementing this bill, if enacted. Also, we believe we can cover other costs by delaying other scheduled projects within the department. We would do this not only because it would be mandated if this bill were to become law, but because we believe upgrading TIME to enable real-time access to DOT photos is a project that would have taken priority over others if the law already permitted it.

This bill makes DOJ better, and it makes local law enforcement and the communities they protect safer.

Thank you.



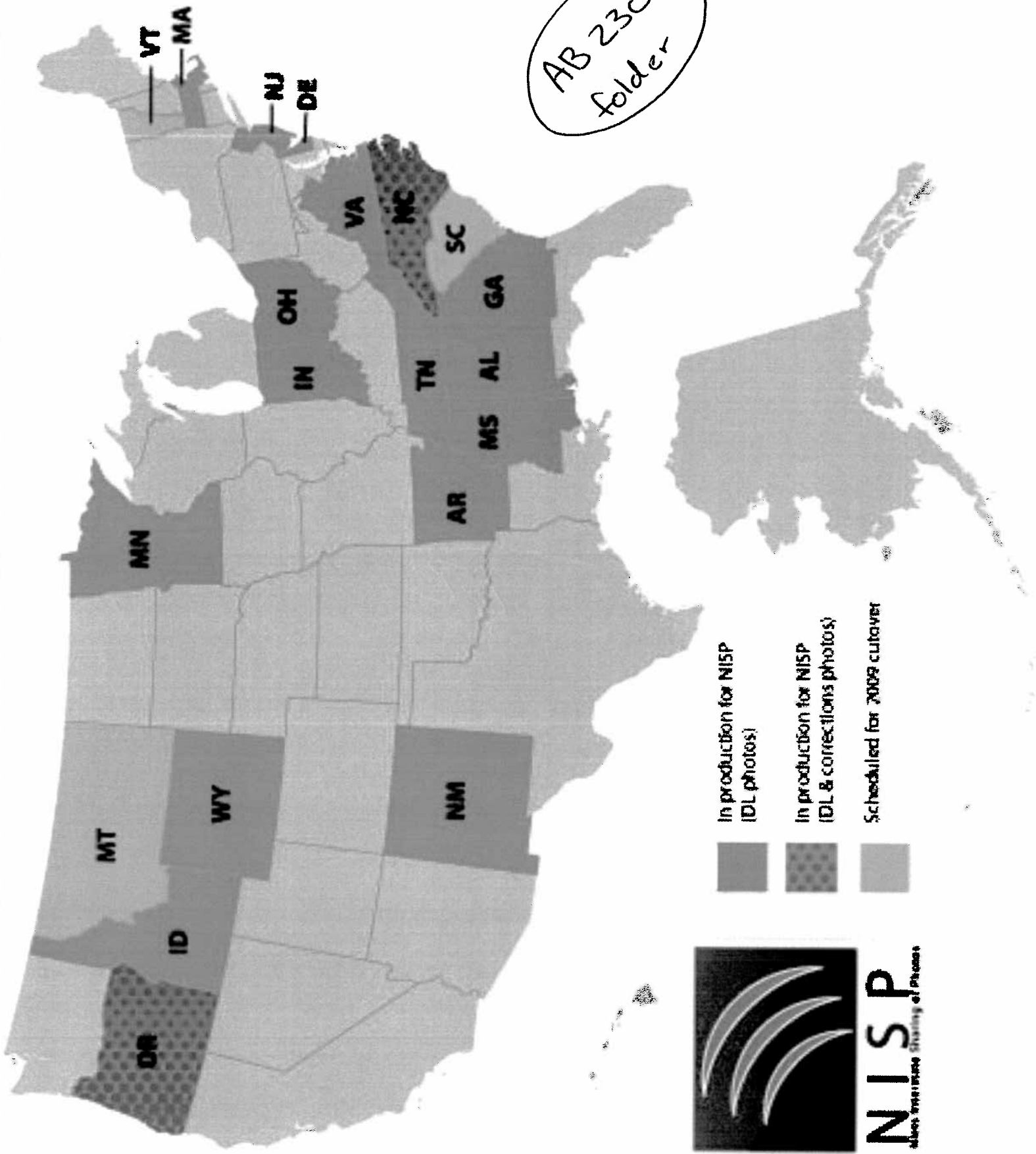
# Nlets Interstate Sharing of Photos

AB 230  
Folder

SUMMARY	ACCOMPLISHMENTS	NEXT STEPS	BENEFITS
<p>In October of 2006, Nlets received initial support from the U.S. Department of Justice and Department of Homeland Security to demonstrate the viability of exchanging interstate driver license (DL) photos among law enforcement and safety officials using Nlets. The project involved a pilot with OR, NC, VA, and SC. The pilot demonstrated that states could share photos interstate.</p> <p>As a result, Nlets received additional funding from the Department of Justice and Homeland security to expand DL photo sharing to additional states. Over the last several years, Nlets has implemented DL photo sharing in seventeen states. Two additional states will be in production by the end of 2009.</p> <p>The project also addressed policy issues, such as privacy and archiving of photos. In 2008, a privacy impact study was completed. In addition to DL photos, Nlets also implemented the ability for states to share correction photos interstate.</p> <p>In partnership with ARJIS, Nlets will not consider this project a complete success until <b>all states</b> have implemented <u>DL photo sharing!</u></p>	<ul style="list-style-type: none"> <li>▪ Developed XML and text specifications for DL and correction photos.</li> <li>▪ Implemented interstate sharing of DL photos in 17 states.               <ul style="list-style-type: none"> <li>– Two additional states will be in production by the end of 2009 (<i>see attached map</i>).</li> </ul> </li> <li>▪ Two states implemented interstate sharing of correction photos.               <ul style="list-style-type: none"> <li>– One additional state will be in production by the end of 2009.</li> </ul> </li> <li>▪ Completed a privacy impact assessment for DL photo sharing interstate.</li> <li>▪ Developed a <i>tool kit</i> to assist all states desiring future entry into the photo sharing network.               <ul style="list-style-type: none"> <li>– ARJIS, as a part of the SRFERS project, developed privacy guidance for the use of corrections photos by sharing states.</li> <li>– Nlets enhanced their infrastructure to accommodate the interstate photo sharing.</li> </ul> </li> <li>▪ Created a "Lessons Learned" document that captures the successes and pitfalls that future participants can emulate, or avoid.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Nlets' goal is to implement DL and correction photo sharing in all 50 states.</li> <li>▪ Nlets recently received additional funding to expand DL and correction photo sharing to additional states.</li> <li>▪ Nlets continues to collect lessons learned and success stories.</li> <li>▪ Nlets continues to provide technical assistance and support to states.</li> <li>▪ Nlets will not consider photo sharing a success until it is implemented in all 50 states.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Law enforcement and public safety officials have the capability to share driver license images interstate which provides the following benefits:               <ul style="list-style-type: none"> <li>– Immediate, positive identification</li> <li>– Detection of fraudulent use of driver licenses</li> <li>– Potential, future use of photo sharing to identify AMBER Alert victims (using state issued IDs)</li> </ul> </li> <li>▪ Nlets upgraded its capabilities for photo exchange, which, in turn, provides the following benefits:               <ul style="list-style-type: none"> <li>– Nlets' IT infrastructure will be able to handle the additional volume of data resulting from the nationwide traffic</li> <li>– Participating states and organizations will continue to receive the level of service expected from Nlets</li> </ul> </li> <li>▪ Clarified policy guidance for handling privacy issues Relating to DL and correction photos.</li> <li>▪ A standardized methodology to which all public safety organizations opting into Nlets' image exchange network will adhere</li> <li>▪ Simplified entry into the program by other states via the standards/governance tool kit</li> </ul>



AB 230  
folder



In production for NISP  
(IDL photos)

In production for NISP  
(IDL & corrections photos)

Scheduled for 2009 cutover



**NISP**  
The American Sharing of Photos