

1 the laboratories shall analyze the deoxyribonucleic acid in the specimen. The
2 laboratories shall maintain a data bank based on data obtained from
3 deoxyribonucleic acid analysis of those specimens. The laboratories may compare
4 the data obtained from one specimen with the data obtained from other specimens.
5 The laboratories may make data obtained from any analysis and comparison
6 available to law enforcement agencies in connection with criminal or delinquency
7 investigations and, upon request, to any prosecutor, defense attorney or subject of
8 the data. The data may be used in criminal and delinquency actions and proceedings.
9 The laboratories shall destroy specimens obtained under this subsection after
10 analysis has been completed and the applicable court proceedings have concluded.

11 **SECTION 86.** 165.79 (1) of the statutes is amended to read:

12 165.79 (1) Evidence, information, and analyses of evidence obtained from law
13 enforcement officers by the laboratories is privileged and not available to persons
14 other than law enforcement officers nor is the defendant entitled to an inspection of
15 information and evidence submitted to the laboratories by the state or of a
16 laboratory's findings, or to examine laboratory personnel as witnesses concerning
17 the same, prior to trial, except to the extent that the same is used by the state at a
18 preliminary hearing and except as provided in ~~s. 971.23~~ subch. IV of ch. 971. Upon
19 request of a defendant in a felony action, approved by the presiding judge, the
20 laboratories shall conduct analyses of evidence on behalf of the defendant. No
21 prosecuting officer is entitled to an inspection of information and evidence submitted
22 to the laboratories by the defendant, or of a laboratory's findings, or to examine
23 laboratory personnel as witnesses concerning the same, prior to trial, except to the
24 extent that the same is used by the accused at a preliminary hearing and except as
25 provided in ~~s. 971.23~~ subch. IV of ch. 971. Employees who made examinations or

1 analyses of evidence shall attend the criminal trial as witnesses, without subpoena,
2 upon reasonable written notice from either party requesting the attendance.

3 **SECTION 87.** 165.81 (1) of the statutes is amended to read:

4 165.81 (1) Whenever the department is informed by the submitting officer or
5 agency that physical evidence in the possession of the laboratories is no longer
6 needed the department may, except as provided in sub. (3) or unless otherwise
7 provided by law, destroy the evidence, retain it in the laboratories, return it to the
8 submitting officer or agency, or turn it over to the University of Wisconsin upon the
9 request of the head of any department of the University of Wisconsin. If the
10 department returns the evidence to the submitting officer or agency, any action
11 taken by the officer or agency with respect to the evidence shall be in accordance with
12 ~~s. 968.20~~ ss. 175.27 and 968.625. Except as provided in sub. (3), whenever the
13 department receives information from which it appears probable that the evidence
14 is no longer needed, the department may give written notice to the submitting agency
15 and the appropriate district attorney, by registered mail, of the intention to dispose
16 of the evidence. If no objection is received within 20 days after the notice was mailed,
17 it may dispose of the evidence.

18 **SECTION 88.** 165.81 (3) (a) 1. and 2., (b), (bm), (c), (d), (e) and (f) of the statutes
19 are amended to read:

20 165.81 (3) (a) 1. "Custody" has the meaning given in s. ~~968.205~~ 968.645 (1) (a).

21 2. "Discharge date" has the meaning given in s. ~~968.205~~ 968.645 (1) (b).

22 (b) Except as provided in par. (c), if ~~physical evidence that is in the possession~~
23 ~~of the laboratories includes~~ possess any biological material that was collected in
24 connection with a criminal investigation that resulted in a criminal conviction, a
25 delinquency adjudication, or commitment under s. ~~971.17 or 980.06~~ and the

1 ~~biological material is from a victim of the offense that was the subject of the criminal~~
2 ~~investigation or may reasonably be used to incriminate or exculpate any person for~~
3 ~~the offense or subch. III of ch. 975, the laboratories shall preserve the physical~~
4 ~~evidence biological material until every person in custody as a result of the~~
5 ~~conviction, adjudication, or commitment has reached his or her discharge date.~~

6 (bm) The laboratories shall retain evidence biological material to which par. (b)
7 applies in an amount and manner sufficient to develop a deoxyribonucleic acid
8 profile, as defined in s. 939.74 (2d) (a), ~~from the biological material contained in or~~
9 ~~included on the evidence it.~~

10 (c) Subject to par. (e), the department may destroy ~~evidence that includes~~
11 ~~biological material before the expiration of the time period specified in par. (b) if all~~
12 ~~of the following apply:~~

13 1. The department sends a notice of its intent to destroy the evidence biological
14 material to all persons who remain in custody as a result of the criminal conviction,
15 delinquency adjudication, or commitment, and to either the attorney of record for
16 each person in custody or the state public defender.

17 2. No person who is notified under subd. 1. does either of the following within
18 90 days after the date on which the person ~~received~~ receives the notice:

19 a. Files a motion for testing of the evidence biological material under s. 974.07
20 (2).

21 b. Submits a written request ~~for retention of the evidence to preserve the~~
22 biological material to the department.

23 3. No other provision of federal or state law requires the department to ~~retain~~
24 preserve the evidence biological material.

1 (d) A notice provided under par. (c) 1. shall clearly inform the recipient that the
2 ~~evidence~~ biological material will be destroyed unless, within 90 days after the date
3 on which the person receives the notice, either a motion for testing of the ~~evidence~~
4 biological material is filed under s. 974.07 (2) or a written request ~~for retention of the~~
5 evidence to preserve the biological material is submitted to the department.

6 (e) If, after providing notice under par. (c) 1. of its intent to destroy ~~evidence~~
7 biological material, the department receives a written request ~~for retention of the~~
8 evidence to preserve the biological material, the department shall retain the
9 ~~evidence~~ biological material until the discharge date of the person who made the
10 request or on whose behalf the request was made, subject to a court order issued
11 under s. 974.07 (7), (9) (a), or (10) (a) 5., unless the court orders destruction or
12 transfer of the ~~evidence~~ biological material under s. 974.07 (9) (b) or (10) (a) 5.

13 (f) Unless otherwise provided in a court order issued under s. 974.07 (9) (a) or
14 (b) or (10) (a) 5., nothing in this subsection prohibits the laboratories from returning
15 ~~evidence~~ biological material that must be preserved under par. (b) or (e) to the agency
16 that submitted the ~~evidence~~ biological material to the laboratories. If the
17 laboratories return ~~evidence~~ biological material that must be preserved under par.
18 (b) or (e) to a submitting agency, any action taken by the agency with respect to the
19 ~~evidence~~ biological material shall be in accordance with s. ~~968.205~~ 968.645.

20 **SECTION 89.** 167.10 (8) (b) of the statutes is amended to read:

21 167.10 (8) (b) Fireworks stored, handled, sold, possessed, or used by a person
22 who violates this section, an ordinance adopted under sub. (5), or a court order under
23 par. (a) may be seized and held as evidence of the violation. Except as provided in
24 s. ~~968.20 (4)~~ 175.27 (2), only the fireworks that are the subject of a violation of this
25 section, an ordinance adopted under sub. (5), or a court order under par. (a) may be

1 destroyed after conviction for a violation. Except as provided in s. ~~968.20 (4)~~ 175.27
2 (2), fireworks that are seized as evidence of a violation for which no conviction results
3 shall be returned to the owner in the same condition as they were when seized to the
4 extent practicable.

5 **SECTION 90.** 169.42 (2) (b) of the statutes is amended to read:

6 169.42 (2) (b) A conservation warden and the department shall comply with the
7 applicable procedures under ss. 29.931, 29.934, and ~~968.20~~ 968.625 as they relate to
8 seized and confiscated wild animals, carcasses, vehicles, boats, or other objects or
9 property.

10 **SECTION 91.** 169.45 (5) (intro.) of the statutes is amended to read:

11 169.45 (5) PENALTIES; REPEATERS. (intro.) If a person is convicted of any
12 violation of this chapter and it is alleged in the indictment, ~~information,~~ or
13 complaint, and proved or admitted at trial or ascertained by the court after
14 conviction that the person was previously convicted within a period of 5 years for a
15 violation of this chapter, the person shall be subject to all of the following in addition
16 to the penalty for the current violation:

17 **SECTION 92.** 173.10 of the statutes is amended to read:

18 **173.10 Investigation of cruelty complaints.** A person may apply for a
19 search warrant under s. ~~968.12~~ 968.465 if there is reason to believe that a violation
20 of ch. 951 has taken place or is taking place. If the court is satisfied that probable
21 cause exists, it shall issue a search warrant directing a law enforcement officer in the
22 county to proceed immediately to the location of the alleged violation with a doctor
23 of veterinary medicine, if the court determines that a veterinarian is necessary for
24 purposes of the search, and directing the law enforcement officer to search the place
25 designated in the warrant, retaining in his or her custody subject to the order of the

1 court such property or things as are specified in the warrant, including any animal.
2 If the person applying for the search warrant is a humane officer, the warrant shall
3 direct that the humane officer accompany the law enforcement officer who is directed
4 to perform the search. The warrant shall be executed and returned to the court which
5 issued the warrant in accordance with ss. ~~968.15~~ 968.495 and ~~968.17~~ 968.506. This
6 section does not affect other powers and duties of law enforcement officers.

7 **SECTION 93.** 173.12 (1m) of the statutes is amended to read:

8 173.12 **(1m)** If an animal has been seized because it is alleged that the animal
9 has been used in or constitutes evidence of any crime specified in s. 951.08, the
10 animal may not be returned to the owner by an officer under s. ~~968.20~~ 968.625 (2).
11 In any hearing under s. ~~968.20~~ 968.625 (1), the court shall determine if the animal
12 is needed as evidence or there is reason to believe that the animal has participated
13 in or been trained for fighting. If the court makes such a finding, the animal shall
14 be retained in custody.

15 **SECTION 94.** 175.27 (title) of the statutes is created to read:

16 **175.27 (title) Seized dangerous property.**

17 **SECTION 95.** 195.048 (2) of the statutes is amended to read:

18 195.048 **(2)** The immunity provided under sub. (1) is subject to the restrictions
19 under s. ~~972.085~~ 967.18.

20 **SECTION 96.** 196.207 (3) (e) of the statutes is amended to read:

21 196.207 **(3)** (e) A trap and trace device as authorized under ss. ~~968.34~~ 968.376
22 to ~~968.37~~ 968.405.

23 **SECTION 97.** 196.48 (1) (b) of the statutes is amended to read:

24 196.48 **(1)** (b) The immunity provided under par. (a) is subject to the restrictions
25 under s. ~~972.085~~ 967.18.

1 **SECTION 98.** 230.81 (2) of the statutes is amended to read:

2 230.81 (2) Nothing in this section prohibits an employee from disclosing
3 information to an appropriate law enforcement agency, a state or federal district
4 attorney in whose jurisdiction the crime is alleged to have occurred, a state or federal
5 grand jury, or a judge in a proceeding commenced under s. ~~968.26~~ 968.105, or
6 disclosing information pursuant to any subpoena issued by any person authorized
7 to issue subpoenas under s. 885.01. Any such disclosure of information is a lawful
8 disclosure under this section and is protected under s. 230.83.

9 **SECTION 99.** 251.16 of the statutes is amended to read:

10 **251.16 Local health department; evidence.** The reports and employees of
11 a local health department are subject to s. ~~970.03 (12) (b)~~ 971.75 (7) (b).

12 **SECTION 100.** 252.11 (5m) of the statutes is amended to read:

13 252.11 (5m) A health care professional, as defined in s. ~~968.38~~ 968.725 (1) (a),
14 acting under an order of a court under s. 938.296 (4) or ~~968.38~~ 968.725 (4) may,
15 without first obtaining informed consent to the testing, subject an individual to a test
16 or a series of tests to ascertain whether that individual is infected with a sexually
17 transmitted disease. No sample used for performance of a test under this subsection
18 may disclose the name of the test subject.

19 **SECTION 101.** 252.11 (7) of the statutes is amended to read:

20 252.11 (7) Reports, examinations, and inspections and all records concerning
21 sexually transmitted diseases are confidential and not open to public inspection, and
22 may not be divulged except as may be necessary for the preservation of the public
23 health, in the course of commitment proceedings under sub. (5), or as provided under
24 s. 938.296 (4) or ~~968.38~~ 968.725 (4). If a physician or advanced practice nurse
25 prescriber has reported a case of sexually transmitted disease to the department

^ physician assistant ^

plain

1 under sub. (4), information regarding the presence of the disease and treatment is
2 not privileged when the patient, physician, ^{physician assistant} or advanced practice nurse prescriber is ^{plain}
3 called upon to testify to the facts before any court of record.

4 **SECTION 102.** 252.15 (2m) (b) 3., (3m) (d) 14. and (4) (c) of the statutes are
5 amended to read:

6 252.15 (2m) (b) 3. HIV testing by a health care professional acting under an
7 order of the court under sub. (5j) or s. 938.296 (4) or (5) or ~~968.38~~ 968.725 (4) or (5).
8 No sample used for laboratory test purposes under this subdivision may disclose the
9 name of the HIV test subject, and the HIV test results may not be made part of the
10 individual's permanent medical record.

11 (3m) (d) 14. To a person under s. 938.296 (4) (a) to (e) as specified in s. 938.296
12 (4); to a person under s. 938.296 (5) (a) to (e) as specified in s. 938.296 (5); to a person
13 under s. ~~968.38~~ 968.725 (4) (a) to (c) as specified in s. ~~968.38~~ 968.725 (4); or to a person
14 under s. ~~968.38~~ 968.725 (5) (a) to (c) as specified in s. ~~968.38~~ 968.725 (5).

15 (4) (c) A record of the results of an HIV test administered to the person, except
16 that results of an HIV test administered under sub. (5g) or (5j) or s. 938.296 (4) or
17 (5) or ~~968.38~~ 968.725 (4) or (5) that include the identity of the test subject may not
18 be maintained without the consent of the test subject.

19 **SECTION 103.** 301.03 (3c) of the statutes is amended to read:

20 301.03 (3c) If requested by the department of health services, contract with
21 that department to supervise and provide services to persons who are conditionally
22 transferred or discharged under s. 51.37 (9), conditionally released under s. ~~971.17~~
23 ~~(3)~~ 975.57 (4) or 975.59, or placed on supervised release under s. 980.06 (2), 1997
24 stats., or s. 980.08.

25 **SECTION 104.** 301.03 (7m) of the statutes is amended to read:

1 301.03 (7m) Supervise criminal defendants accepted into the custody of the
2 department under ~~s. 969.02 (3) (a) or 969.03 (1) (a)~~ ch. 969. The department shall
3 charge the county that is prosecuting the defendant a fee for providing this
4 supervision. The department shall set the fee by rule.

5 **SECTION 105.** 301.035 (2) of the statutes is amended to read:

6 301.035 (2) Assign hearing examiners from the division to preside over
7 hearings under s. 975.10 (2), ~~2009~~²⁰¹¹ stats., ss. 302.11 (7), 302.113 (9), 302.114 (9),
8 938.357 (5), and 973.10 and ~~975.10 (2)~~, and ch. 304.

9 **SECTION 106.** 301.035 (4) of the statutes is amended to read:

10 301.035 (4) Supervise employees in the conduct of the activities of the division
11 and be the administrative reviewing authority for decisions of the division under s.
12 975.10 (2), ~~2009~~²⁰¹¹ stats., ss. 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10, and
13 973.155 (2) and ~~975.10 (2)~~, and ch. 304.

14 **SECTION 107.** 301.45 (1g) (c) of the statutes is amended to read:

15 301.45 (1g) (c) Is found not guilty or not responsible by reason of mental disease
16 or defect on or after December 25, 1993, and committed under s. 51.20 or 971.17
17 subch. III of ch. 975 for a sex offense.

18 **SECTION 108.** 301.45 (1g) (d) of the statutes is amended to read:

19 301.45 (1g) (d) Is in institutional care or on conditional transfer under s. 51.35
20 (1) or conditional release under s. ~~971.17~~ 975.57 (4) or 975.59 on or after
21 December 25, 1993, for a sex offense.

22 **SECTION 109.** 301.45 (1g) (dd) of the statutes is amended to read:

23 301.45 (1g) (dd) Is in institutional care or on conditional transfer under s. 51.35
24 (1) or conditional release under s. ~~971.17~~ 975.57 (4) or 975.59 on or after

1 December 25, 1993, for a violation, or for the solicitation, conspiracy or attempt to
2 commit a violation, of a law of this state that is comparable to a sex offense.

3 **SECTION 110.** 301.45 (1g) (dp) of the statutes is amended to read:

4 301.45 (1g) (dp) Is in institutional care under, or on parole from, a commitment
5 for specialized treatment under ch. 975, ~~2009~~²⁰¹¹ stats., on or after December 25, 1993.

6 **SECTION 111.** 301.45 (1g) (e) of the statutes is amended to read:

7 301.45 (1g) (e) Is ordered by a court under s. 51.20 (13) (ct) 1m., 938.34 (15m)
8 (am), 938.345 (3), ~~971.17 (1m) (b) 1m.~~ or 973.048 (1m), or 975.54 (3) (a) to comply with
9 the reporting requirements under this section.

10 **SECTION 112.** 301.45 (1m) (b) of the statutes is amended to read:

11 301.45 (1m) (b) If a person believes that he or she is not required under par.
12 (a) to comply with the reporting requirements under this section and the person is
13 not before the court under s. 51.20 (13) (ct), 938.34 (15m), ~~971.17 (1m) (b)~~ or 973.048,
14 or 975.54 (3), the person may move a court to make a determination of whether the
15 person satisfies the criteria specified in par. (a). A motion made under this
16 paragraph shall be filed with the circuit court for the county in which the person was
17 convicted, adjudicated delinquent or found not guilty or not responsible by reason of
18 mental disease or defect.

19 **SECTION 113.** 301.45 (1m) (be) of the statutes is amended to read:

20 301.45 (1m) (be) A person who files a motion under par. (b) or s. 51.20 (13) (ct)
21 2m., 938.34 (15m) (bm), ~~971.17 (1m) (b) 2m.~~ or 973.048 (2m), or 975.54 (3) (b)
22 requesting a determination of whether the person is required to comply with the
23 reporting requirements under this section shall send a copy of the motion to the
24 district attorney for the county in which the motion is filed. The district attorney
25 shall make a reasonable attempt to contact the victim of the crime that is the subject

1 of the person's motion to inform the victim of his or her right to make or provide a
2 statement under par. (bv).

3 **SECTION 114.** 301.45 (1m) (bm) of the statutes is amended to read:

4 301.45 (1m) (bm) A court shall hold a hearing on a motion made by a person
5 under par. (b) or s. 51.20 (13) (ct) 2m., 938.34 (15m) (bm), ~~971.17 (1m) (b) 2m. or~~
6 973.048 (2m), or 975.54 (3) (b) requesting a determination of whether the person is
7 required to comply with the reporting requirements under this section. The district
8 attorney who receives a copy of a motion under par. (be) may appear at the hearing.

9 **SECTION 115.** 301.45 (1m) (bv) of the statutes is amended to read:

10 301.45 (1m) (bv) Before deciding a motion filed under par. (b) or s. 51.20 (13)
11 (ct) 2m., 938.34 (15m) (bm), ~~971.17 (1m) (b) 2m. or~~ 973.048 (2m), or 975.54 (3) (b)
12 requesting a determination of whether the person is required to comply with the
13 reporting requirements under this section, the court shall allow the victim of the
14 crime that is the subject of the motion to make a statement in court at the hearing
15 under par. (bm) or to submit a written statement to the court. A statement under this
16 paragraph must be relevant to whether the person satisfies the criteria specified in
17 par. (a).

18 **SECTION 116.** 301.45 (1m) (d) 1. of the statutes is amended to read:

19 301.45 (1m) (d) 1. Before deciding a motion filed by a person under par. (b) or
20 s. 51.20 (13) (ct) 2m., 938.34 (15m) (bm), ~~971.17 (1m) (b) 2m. or~~ 973.048 (2m), or
21 975.54 (3) (b) requesting a determination of whether the person is required to comply
22 with the reporting requirements under this section, a court may request the person
23 to be examined by a physician, psychologist, or other expert approved by the court.
24 If the person refuses to undergo an examination requested by the court under this
25 subdivision, the court shall deny the person's motion without prejudice.

1 **SECTION 117.** 301.45 (1m) (e) (intro.) of the statutes is amended to read:

2 301.45 (**1m**) (e) (intro.) At the hearing held under par. (bm), the person who
3 filed the motion under par. (b) or s. 51.20 (13) (ct) 2m., 938.34 (15m) (bm), ~~971.17 (1m)~~
4 ~~(b) 2m. or~~ 973.048 (2m), or 975.54 (3) (b) has the burden of proving by clear and
5 convincing evidence that he or she satisfies the criteria specified in par. (a). In
6 deciding whether the person has satisfied the criterion specified in par. (a) 3., the
7 court may consider any of the following:

8 **SECTION 118.** 301.45 (3) (a) 3. of the statutes is amended to read:

9 301.45 (**3**) (a) 3. If the person has been committed under s. 51.20 or ~~971.17~~
10 subch. II of ch. 975, he or she is subject to this subsection upon being placed on
11 conditional release under s. ~~971.17~~ 975.57 (4) or 975.59 or on a conditional transfer
12 under s. 51.35 (1) or, if he or she was not placed on conditional release or on a
13 conditional transfer, before he or she is terminated under s. ~~971.17 (5)~~ 975.60 or
14 discharged under s. 51.35 (4) or ~~971.17 (6)~~ 975.61.

15 **SECTION 119.** 301.45 (3) (a) 3g. of the statutes is amended to read:

16 301.45 (**3**) (a) 3g. If the person has been committed for specialized treatment
17 under ch. 975, ~~2009/stats.~~²⁰¹¹, he or she is subject to this subsection upon being released
18 on parole under s. 975.10, ~~2009/stats.~~²⁰¹¹, or, if he or she was not released on parole,
19 before being discharged from the commitment under s. 975.09, ~~2009/stats.~~²⁰¹¹, or s.
20 975.12, ~~2009/stats.~~²⁰¹¹.

21 **SECTION 120.** 301.45 (3) (b) 3. of the statutes is amended to read:

22 301.45 (**3**) (b) 3. The department of health services shall notify a person who
23 is being placed on conditional release, supervised release, conditional transfer or
24 parole, or is being terminated or discharged from a commitment, under s. 51.20, or

1 51.35 ~~or 971.17~~ ~~or, subch. III of ch. 975, ch. 975, 2009 stats., or ch. 980~~ ²⁰¹¹ and who is
2 covered under sub. (1g) of the need to comply with the requirements of this section.

3 **SECTION 121.** 301.45 (5) (a) 3. of the statutes is amended to read:

4 301.45 (5) (a) 3. If the person has been committed to the department of health
5 services under s. 51.20 or ~~971.17~~ subch. III of ch. 975 and is in institutional care or
6 on conditional transfer under s. 51.35 (1) or conditional release under s. ~~971.17~~
7 975.57 (4) or 975.59 for a sex offense, 15 years after termination of the commitment
8 for the sex offense under s. ~~971.17 (5)~~ 975.60 or discharge from the commitment for
9 the sex offense under s. 51.35 (4) or ~~971.17 (6)~~ 975.61.

10 **SECTION 122.** 301.45 (5) (a) 3m. of the statutes is amended to read:

11 301.45 (5) (a) 3m. If the person has been committed for specialized treatment
12 under ch. 975, ~~2009 stats.,~~ ²⁰¹¹ 15 years after discharge from the commitment under s.
13 ~~975.09, 2009 stats., or s. 975.12, 2009 stats.~~ ²⁰¹¹

14 **SECTION 123.** 301.45 (5) (b) 3. of the statutes is amended to read:

15 301.45 (5) (b) 3. The court that ordered the person to comply with the reporting
16 requirements of this section under s. 51.20 (13) (ct), 938.34 (15m), 938.345 (3), ~~971.17~~
17 ~~(1m) (b) or 973.048, or 975.54 (3)~~ also ordered the person to comply with the
18 requirements until his or her death.

19 **SECTION 124.** 301.45 (6) (a) 2. a. of the statutes is amended to read:

20 301.45 (6) (a) 2. a. The person was ordered under s. 51.20 (13) (ct) 1m., 938.34
21 (15m) (am), 938.345 (3), ~~971.17 (1m) (b) 1m., or 973.048 (1m), or 975.54 (3) (a)~~ to
22 comply with the reporting requirements under this section based on a finding that
23 he or she committed or solicited, conspired, or attempted to commit a misdemeanor.

24 **SECTION 125.** 301.45 (6) (ag) 2. a. of the statutes is amended to read:

1 301.45 (6) (ag) 2. a. The person was ordered under s. 51.20 (13) (ct) 1m., 938.34
2 (15m) (am), 938.345 (3), ~~971.17 (1m) (b) 1m., or~~ 973.048 (1m), or 975.54 (3) (a) to
3 comply with the reporting requirements under s. 301.45 based on a finding that he
4 or she committed or solicited, conspired, or attempted to commit a misdemeanor.

5 **SECTION 126.** 301.45 (6) (bm) of the statutes is amended to read:

6 301.45 (6) (bm) Subject to s. ~~971.19~~ 970.14 (9), a district attorney or, upon the
7 request of a district attorney, the department of justice may prosecute a knowing
8 failure to comply with any requirement to provide information under subs. (2) to (4).
9 If the department of corrections determines that there is probable cause to believe
10 that a person has knowingly failed to comply with any requirement to provide
11 information under subs. (2) to (4) or has intentionally violated sub. (4r), the
12 department shall forward a certified copy of all pertinent departmental information
13 to the applicable district attorney. The department shall certify the copy in
14 accordance with s. 889.08.

15 **SECTION 127.** 301.46 (3) (d) of the statutes is amended to read:

16 301.46 (3) (d) The department of health services shall provide the department
17 with access to the names of victims or the family members of victims who have
18 completed cards requesting notification under s. ~~971.17 (6m)~~ 975.62 or 980.11.

19 **SECTION 128.** 301.47 (3) (b) 1. of the statutes is amended to read:

20 301.47 (3) (b) 1. The person was ordered under s. 51.20 (13) (ct) 1m., 938.34
21 (15m) (am), 938.345 (3), ~~971.17 (1m) (b) 1m., or~~ 973.048 (1m), or 975.54 (3) (a) to
22 comply with the reporting requirements under s. 301.45 based on a finding that he
23 or she committed or solicited, conspired, or attempted to commit a misdemeanor.

24 **SECTION 129.** 301.48 (2) (a) 4. of the statutes is amended to read:

1 301.48 (2) (a) 4. A court that found the person not guilty of a serious child sex
2 offense by reason of mental disease or ~~mental~~ defect places the person on conditional
3 release.

4 **SECTION 130.** 301.48 (2) (a) 5. of the statutes is amended to read:

5 301.48 (2) (a) 5. A court that found the person not guilty of a serious child sex
6 offense by reason of mental disease or ~~mental~~ defect discharges the person under s.
7 ~~971.17 (6)~~ 975.61. This subdivision does not apply if the person was on conditional
8 release immediately before being discharged.

9 **SECTION 131.** 301.48 (2) (b) 3. of the statutes is amended to read:

10 301.48 (2) (b) 3. The department of health services places the person on parole
11 or discharges the person under ch. 975, ~~2009~~ ²⁰¹¹ stats. This subdivision does not apply
12 unless the person's commitment was based on his or her commission of a serious child
13 sex offense.

14 **SECTION 132.** 302.113 (9) (e) of the statutes is amended to read:

15 302.113 (9) (e) If a hearing is to be held under par. (am) before the division of
16 hearings and appeals in the department of administration, the hearing examiner
17 may order that a deposition be taken by audiovisual means and allow the use of a
18 recorded deposition under s. ~~967.04 (7) to (10)~~ 967.22.

19 **SECTION 133.** 302.114 (9) (d) of the statutes is amended to read:

20 302.114 (9) (d) If a hearing is to be held under par. (am) before the division of
21 hearings and appeals in the department of administration, the hearing examiner
22 may order that a deposition be taken by audiovisual means and allow the use of a
23 recorded deposition under s. ~~967.04 (7) to (10)~~ 967.22.

24 **SECTION 134.** 304.06 (3) of the statutes is amended to read:

1 304.06 (3) Every prisoner paroled or released to extended supervision remains
2 in the legal custody of the department unless otherwise provided by the department.
3 If the department alleges that any condition or rule of parole or extended supervision
4 has been violated by the prisoner, the department may take physical custody of the
5 prisoner for the investigation of the alleged violation. If the department is satisfied
6 that any condition or rule of parole or extended supervision has been violated it shall
7 afford the prisoner such administrative hearings as are required by law. Unless
8 waived by the parolee or person on extended supervision, the final administrative
9 hearing shall be held before a hearing examiner from the division of hearings and
10 appeals in the department of administration who is licensed to practice law in this
11 state. The hearing examiner shall enter an order revoking or not revoking parole or
12 extended supervision. Upon request by either party, the administrator of the
13 division of hearings and appeals shall review the order. The hearing examiner may
14 order that a deposition be taken by audiovisual means and allow the use of a recorded
15 deposition under s. ~~967.04 (7) to (10)~~ 967.22. If the parolee or person on extended
16 supervision waives the final administrative hearing, the secretary of corrections
17 shall enter an order revoking or not revoking parole or extended supervision. If the
18 examiner, the administrator upon review, or the secretary in the case of a waiver
19 finds that the prisoner has violated the rules or conditions of parole or extended
20 supervision, the examiner, the administrator upon review, or the secretary in the
21 case of a waiver, may order the prisoner returned to prison to continue serving his
22 or her sentence, or to continue on parole or extended supervision. If the prisoner
23 claims or appears to be indigent, the department shall refer the prisoner to the
24 authority for indigency determinations specified under s. 977.07 (1).

25 **SECTION 135.** 304.10 (1) (b) of the statutes is amended to read:

12/25/11

1 304.10 (1) (b) A certified copy of the court record entries, the indictment or
2 ~~information~~ complaint, and any additional papers on file in the court, if obtainable,
3 as the governor requires;

4 **SECTION 136.** 322.0767 (1) (a) of the statutes is amended to read:

5 322.0767 (1) (a) If a person subject to a general court-martial is found to lack
6 substantial mental capacity to understand the proceedings or assist in his or own
7 defense and the military judge determined that the person is likely to become
8 competent within the maximum period ~~specified under s. 971.14 (5) (a) of~~
9 commitment, as defined in s. 975.34 (6) (a), the court-martial convening authority
10 for the person shall commit the person to the custody of the department of health
11 services ~~under as provided in s. 971.14 (5) 975.34 (7).~~ If the military judge determines
12 that the defendant is not likely to become competent ~~in~~ within the ~~time~~ maximum
13 ~~period specified under s. 971.14 (5) of commitment~~, the military judge shall suspend
14 or terminate the general court-martial.

15 **SECTION 137.** 322.0767 (1) (b) of the statutes is amended to read:

16 322.0767 (1) (b) The department of health services shall submit all reports that
17 are required under s. ~~971.14 (5) (b) 975.36~~ and that pertain to a person subject to a
18 commitment order under par. (a) to the court-martial.

19 **SECTION 138.** 322.0767 (1) (c) of the statutes is amended to read:

20 322.0767 (1) (c) Upon receiving a report under s. ~~971.14 (5) (b) 975.36~~, the
21 court-martial shall make a determination as to whether the person has become
22 competent. If the court-martial determines that the defendant has become
23 competent, the court-martial shall terminate the commitment to the department of
24 health services and resume the general court-martial. If the court-martial
25 determines that the person is making sufficient progress toward becoming

1 competent, the commitment shall continue. If the court-martial determines that the
2 person is not likely to become competent to proceed ~~in~~ within the time maximum
3 period specified under s. 971.14 (5) (a) of commitment, as defined under s. 971.34 (6)
4 (a), the court-martial shall suspend or terminate the commitment order under this
5 subsection.

6 **SECTION 139.** 322.0767 (1) (d) of the statutes is amended to read:

7 322.0767 (1) (d) If a person who has been restored to competency again becomes
8 incompetent, the maximum ~~commitment~~ period ~~under s. 971.14 (5) (a) of~~
9 commitment shall be as provided under s. ~~971.14 (5) (d)~~ 975.36 (6).

10 **SECTION 140.** 322.0767 (2) (b) of the statutes is amended to read:

11 322.0767 (2) (b) Using the standard under s. ~~971.17 (3) (a)~~ 975.57 (1), the
12 court-martial shall determine whether the commitment order under par. (a) shall
13 specify institutional care or conditional release.

14 **SECTION 141.** 322.0767 (2) (c) of the statutes is amended to read:

15 322.0767 (2) (c) The court-martial has the same authority as a circuit court has
16 under s. ~~971.17 (2)~~ 975.55 to order the department of health services to conduct a
17 predisposition investigation using the procedure in s. ~~972.15~~ 973.004 or a mental
18 examination as provided under s. ~~971.17 (2) (b), (e), and (e)~~ 975.56 to assist the
19 court-martial in determining whether to place the person in institutional care or to
20 conditionally release the person.

* ****NOTE: This section reconciles -0061 and -4635.

21 **SECTION 142.** 322.0767 (2) (d) of the statutes is amended to read:

22 322.0767 (2) (d) If the court-martial specifies institutional care, the
23 department of health services shall place the person in an institution as provided
24 under s. ~~971.17 (3) (e)~~ 975.57 (3). If the court-martial specifies conditional release,

1 the department of health services, in conjunction with the person's county of
2 residence, shall develop a plan for conditional release as provided under s. ~~971.17 (3)~~
3 ~~(d)~~ 975.57 (4).

4 **SECTION 143.** 343.305 (9) (c) of the statutes is amended to read:

5 343.305 (9) (c) If a law enforcement officer informs the circuit or municipal
6 court that a person has refused to submit to a test under sub. (3) (a), (am), or (ar), the
7 court shall be prepared to hold any requested hearing to determine if the refusal was
8 proper. The scope of the hearing shall be limited to the issues outlined in par. (a) 5.
9 or (am) 5. Section ~~967.055~~ 970.25 applies to any hearing under this subsection.

10 **SECTION 144.** 345.20 (1) (a) of the statutes is amended to read:

11 345.20 (1) (a) "Judge" ~~has the meaning specified in s. 967.02 (6)~~ means a judge
12 of a court of record.

13 **SECTION 145.** 345.20 (2) (c) of the statutes is amended to read:

14 345.20 (2) (c) Sections ~~967.055 and 972.11 (3m)~~ Section 970.25 applies
15 to traffic forfeiture actions for violations of s. 346.63 (1) or (5) or a local ordinance in
16 conformity therewith.

* ****NOTE: This section reconciles -0068/P2 and -0070/P2.

17 **SECTION 146.** 345.28 (3) (a) of the statutes is amended to read:

18 345.28 (3) (a) If the person does not pay the forfeiture or appear in court in
19 response to the citation for a nonmoving traffic violation on the date specified in the
20 citation or, if no date is specified in the citation, within 28 days after the citation is
21 issued, the authority that issued the citation may issue a summons under s. ~~968.04~~
22 ~~(3) (b)~~ 969.22 to the person and, in lieu of or in addition to issuing the summons, may
23 proceed under sub. (4) or (5) but, except as provided in this section, no warrant may
24 be issued for the person. If the person does not pay towing and storage charges

1 associated with a citation for a nonmoving traffic violation, the authority that issued
2 the citation may proceed under sub. (4).

3 **SECTION 147.** 345.28 (5) (b) 1. of the statutes is amended to read:

4 345.28 (5) (b) 1. If a person fails to respond to the notices under par. (a) within
5 the time specified in the notice, a warrant that substantially complies with the
6 mandatory provisions under s. ~~968.04 (3) (a)~~ 969.21 (1) may be issued for the person,
7 except that the warrant shall direct the officer to accept the person's deposit of money
8 or his or her valid Wisconsin operator's license, as provided under subd. 2. a., in lieu
9 of serving the warrant and arresting the person.

10 **SECTION 148.** 345.31 of the statutes is amended to read:

11 **345.31 Venue in traffic regulation actions.** Section ~~971.19~~ on place 970.14
12 on venue of trial in criminal actions applies to actions for the violation of traffic
13 regulations and nonmoving traffic violations except that, in the case of a violation of
14 an ordinance of a municipality which is located in more than one county, the action
15 may be brought in any court sitting in that municipality even though in another
16 county. As an alternative, the plaintiff may bring the action in the county where the
17 defendant resides.

18 **SECTION 149.** 346.63 (2) (am) of the statutes is amended to read:

19 346.63 (2) (am) A person may be charged with and a prosecutor may proceed
20 upon a complaint based upon a violation of any combination of par. (a) 1., 2., or 3. for
21 acts arising out of the same incident or occurrence. If the person is charged with
22 violating any combination of par. (a) 1., 2., or 3. in the complaint, the crimes shall be
23 joined under s. ~~971.12~~ 970.13. If the person is found guilty of any combination of par.
24 (a) 1., 2., or 3. for acts arising out of the same incident or occurrence, there shall be
25 a single conviction for purposes of sentencing and for purposes of counting

1 convictions under ss. 343.30 (1q) and 343.305. Paragraph (a) 1., 2., and 3. each
2 require proof of a fact for conviction which the others do not require.

3 **SECTION 150.** 346.63 (6) (b) of the statutes is amended to read:

4 346.63 (6) (b) A person may be charged with and a prosecutor may proceed upon
5 a complaint based upon a violation of par. (a) or sub. (2) (a) 1. or both for acts arising
6 out of the same incident or occurrence. If the person is charged with violating both
7 par. (a) and sub. (2) (a) 1. in the complaint, the crimes shall be joined under s. ~~971.12~~
8 970.13. If the person is found guilty of violating both par. (a) and sub. (2) (a) 1. for
9 acts arising out of the same incident or occurrence, there shall be a single conviction
10 for purposes of sentencing and for purposes of counting convictions. Paragraph (a)
11 and sub. (2) (a) 1. each require proof of a fact for conviction which the other does not
12 require.

13 **SECTION 151.** 350.101 (2) (c) of the statutes is amended to read:

14 350.101 (2) (c) *Related charges.* A person may be charged with and a prosecutor
15 may proceed upon a complaint based upon a violation of any combination of par. (a),
16 (b), or (bm) for acts arising out of the same incident or occurrence. If the person is
17 charged with violating any combination of par. (a), (b), or (bm) in the complaint, the
18 crimes shall be joined under s. ~~971.12~~ 970.13. If the person is found guilty of any
19 combination of par. (a), (b), or (bm) for acts arising out of the same incident or
20 occurrence, there shall be a single conviction for purposes of sentencing and for
21 purposes of counting convictions under s. 350.11 (3) (a) 2. and 3. Paragraphs (a), (b),
22 and (bm) each require proof of a fact for conviction which the others do not require.

23 **SECTION 152.** 551.602 (5) (b) of the statutes is amended to read:

24 551.602 (5) (b) The immunity provided under par. (a) is subject to the
25 restrictions under s. ~~972.085~~ 967.18.

1 **SECTION 153.** 553.55 (3) (b) of the statutes is amended to read:

2 553.55 (3) (b) The immunity provided under par. (a) is subject to the restrictions
3 under s. ~~972.085~~ 967.18.

4 **SECTION 154.** 601.62 (5) (b) of the statutes is amended to read:

5 601.62 (5) (b) The immunity provided under par. (a) is subject to the restrictions
6 under s. ~~972.085~~ 967.18.

7 **SECTION 155.** 631.95 (1) (c) of the statutes is amended to read:

8 631.95 (1) (c) "Domestic abuse" has the meaning given in s. ~~968.075 (1) (a)~~
9 969.27 (1) (a).

10 **SECTION 156.** 704.16 (1) (b) 7. of the statutes is amended to read:

11 704.16 (1) (b) 7. A criminal complaint that was filed against the person as a
12 result of the person being arrested for committing a domestic abuse offense against
13 the tenant under s. ~~968.075~~ 969.27.

14 **SECTION 157.** 704.16 (3) (b) 2. g. of the statutes is amended to read:

15 704.16 (3) (b) 2. g. A criminal complaint that was filed against the offending
16 tenant as a result of the offending tenant being arrested for committing a domestic
17 abuse offense against the other tenant under s. ~~968.075~~ 969.27.

18 **SECTION 158.** 756.06 (2) (a) of the statutes is amended to read:

19 756.06 (2) (a) A jury in a felony case shall consist of 12 persons unless both
20 parties agree on a lesser number as provided in s. ~~972.02~~ 972.025 (2).

21 **SECTION 159.** 756.06 (2) (c) of the statutes is amended to read:

22 756.06 (2) (c) A jury in a case involving an offense for which a forfeiture may
23 be imposed or in an inquest under s. ~~979.05~~ 968.025 shall consist of 6 persons.

24 **SECTION 160.** 757.54 (2) (a) 1. of the statutes is amended to read:

25 757.54 (2) (a) 1. "Custody" has the meaning given in s. ~~968.205~~ 968.645 (1) (a).

1 **SECTION 161.** 757.54 (2) (a) 2. of the statutes is amended to read:

2 757.54 (2) (a) 2. "Discharge date" has the meaning given in s. ~~968.205~~ 968.645

3 (1) (b).

4 **SECTION 162.** 757.69 (1) (b) of the statutes is amended to read:

5 757.69 (1) (b) In criminal matters issue summonses, arrest warrants, or search
6 warrants, determine probable cause to support a warrantless arrest, ~~conduct~~
7 perform the duties of the court at an initial appearances of persons arrested
8 appearance under s. 971.027, set bail, ~~inform the defendant in accordance with s.~~
9 ~~970.02 (1)~~, refer the person to the authority for indigency determinations specified
10 under s. 977.07 (1), conduct the preliminary examination and arraignment, and,
11 with the consent of both the state and the defendant, accept a guilty plea. If a court
12 refers a disputed restitution issue under s. 973.20 (13) (c) 4., the circuit court
13 commissioner shall conduct the hearing on the matter in accordance with s. 973.20
14 (13) (c) 4.

15 **SECTION 163.** 757.69 (1) (i) of the statutes is amended to read:

16 757.69 (1) (i) Conduct inquests under subch. I of ch. 979 968.

17 **SECTION 164.** 758.171 of the statutes is amended to read:

18 **758.171 Judicial conference: uniform citation.** The judicial conference
19 shall adopt a uniform citation form for use as authorized under s. ~~968.085~~ 969.24.
20 A duly authenticated copy of this form shall be furnished to the secretary of state and
21 kept on file in his or her office. The secretary of state shall transmit a copy of this
22 form to the clerks of circuit court.

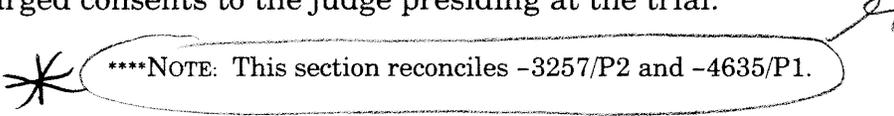
23 **SECTION 165.** 758.19 (5) (a) 5. of the statutes is repealed.

24 **SECTION 166.** 767.87 (4) (b) of the statutes is amended to read:

1 767.87 (4) (b) The immunity provided under par. (a) is subject to the restrictions
2 under s. ~~972.085~~ 967.18.

3 **SECTION 167.** 785.03 (1) (b) of the statutes is amended to read:

4 785.03 (1) (b) *Punitive sanction.* The district attorney of a county, the attorney
5 general or a special prosecutor appointed by the court may seek the imposition of a
6 punitive sanction by issuing a complaint charging a person with contempt of court
7 and reciting the sanction sought to be imposed. The district attorney, attorney
8 general or special prosecutor may issue the complaint on his or her own initiative or
9 on the request of a party to an action or proceeding in a court or of the judge presiding
10 in an action or proceeding. The complaint shall be processed under chs. 967 to 973
11 and 975. If the contempt alleged involves disrespect to or criticism of a judge, that
12 judge is disqualified from presiding at the trial of the contempt unless the person
13 charged consents to the judge presiding at the trial.

 ******NOTE:** This section reconciles -3257/P2 and -4635/P1.

14 **SECTION 168.** 800.035 (8) of the statutes is amended to read:

15 800.035 (8) If the defendant does not appear, but has made a deposit in the
16 amount set for the violation, he or she is deemed to have tendered a plea of no contest
17 and submits to a forfeiture, plus costs, fees, and surcharges imposed under ch. 814,
18 not exceeding the amount of the deposit. The court may impose any other penalties
19 allowed by law. The court may either accept the plea of no contest and enter
20 judgment accordingly, or reject the plea and issue a summons. If the court finds that
21 the violation meets the conditions in s. 800.093 (1), the court may summon the
22 alleged violator into court to determine if restitution shall be ordered under s.
23 800.093. If the defendant fails to appear in response to the summons, the court may

1 issue a warrant under s. ~~968.09~~ 969.50. If the defendant has made a deposit but does
2 appear, the court shall allow the defendant to withdraw the plea of no contest.

3 **SECTION 169.** 801.02 (7) (a) 2. c. of the statutes is amended to read:

4 801.02 (7) (a) 2. c. A person bringing an action seeking relief from a judgment
5 of conviction or a sentence of a court, including an action for an extraordinary writ
6 or a supervisory writ seeking relief from a judgment of conviction or a sentence of a
7 court or an action under s. 809.30, 809.40, ~~973.19~~ 974.03, 974.06 or 974.07.

8 **SECTION 170.** 801.02 (7) (a) 2. e. of the statutes is amended to read:

9 801.02 (7) (a) 2. e. A person who is not serving a sentence for the conviction of
10 a crime but who is detained, admitted or committed under ch. 51 or 55 or s. ~~971.14~~
11 ~~(2) or (5)~~ 975.32 or 975.34.

12 **SECTION 171.** 801.50 (5t) of the statutes is renumbered 801.50 (5t) (a) and
13 amended to read:

14 801.50 (5t) (a) Except as otherwise provided in ss. 801.52 and ~~971.223~~ 971.72
15 (1) and (2), venue in a civil action to impose a forfeiture upon a resident of this state
16 for a violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, or for a
17 violation of any other law arising from or in relation to the official functions of the
18 subject of the investigation or any matter that involves elections, ethics, or lobbying
19 regulation under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, shall be in
20 circuit court for the county where the defendant resides. For purposes of this
21 ~~subsection paragraph~~, a person other than a natural person resides within a county
22 if the person's principal place of operation is located within that county. ~~This~~
23 ~~subsection~~

1 **(b) Paragraph (a)** does not affect which prosecutor has responsibility under s.
2 978.05 (2) to prosecute civil actions ~~arising from violations under s. 971.223 (1)~~
3 described under par. (a).

4 **SECTION 172.** 801.52 of the statutes, as affected by 2009 Wisconsin Act 180, is
5 amended to read:

6 **801.52 Discretionary change of venue.** The court may at any time, upon
7 its own motion, the motion of a party or the stipulation of the parties, change the
8 venue to any county in the interest of justice or for the convenience of the parties or
9 witnesses, except that venue in a civil action to impose a forfeiture for a violation of
10 chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or for a violation of any other
11 law arising from or in relation to the official functions of the subject of the
12 investigation or any matter that involves elections, ethics, or lobbying regulation
13 under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, may be changed only
14 as provided in s. ~~971.223~~ 971.72 (1) and (2) or in the same manner that is authorized
15 for a change in the venue of a criminal trial under s. ~~971.22~~ 971.70. This section does
16 not apply to proceedings under ch. 980.

17 **SECTION 173.** 807.05 of the statutes is amended to read:

18 **807.05 Stipulations.** No agreement, stipulation, or consent between the
19 parties or their attorneys, in respect to the proceedings in an action or special
20 proceeding shall be binding unless made in court or during a proceeding conducted
21 under s. 807.13 or ~~967.08~~ 967.14 and entered in the minutes or recorded by the
22 reporter, or made in writing and subscribed by the party to be bound thereby or the
23 party's attorney.

24 **SECTION 174.** 808.03 (3) (b) of the statutes is amended to read:

1 808.03 (3) (b) An order denying a motion to suppress evidence or a motion
2 challenging the admissibility of a statement of a defendant may be reviewed upon
3 appeal from a final judgment or order notwithstanding the fact that the judgment
4 or order was entered upon a plea of guilty or no contest to the ~~information or~~ criminal
5 complaint.

6 **SECTION 175.** 808.04 (3) of the statutes is amended to read:

7 808.04 (3) Except as provided in subs. (4) and (7), an appeal in a proceeding
8 under ~~s. 971.17~~ subch. III of ch. 975, a criminal case, or a case under ch. 48, 51, 55,
9 938, or 980 shall be initiated within the time period specified in s. 809.30 (2) or 809.32
10 (2), whichever is applicable.

11 **SECTION 176.** 808.04 (4) of the statutes is amended to read:

12 808.04 (4) Except as provided in sub. (7m), an appeal by the state in a
13 proceeding under ~~s. 971.17~~ subch. III of ch. 975, a criminal case under s. 974.05, or
14 a case under ch. 48, 938, or 980 shall be initiated within 45 days of entry of the
15 judgment or order appealed from.

16 **SECTION 177.** 808.075 (4) (b) 4. of the statutes is amended to read:

17 808.075 (4) (b) 4. Commitment, conditional release, recommitment, and
18 discharge under s. ~~971.17~~ subch. III of ch. 975 of a person found not guilty by reason
19 of mental disease or defect.

20 **SECTION 178.** 808.075 (4) (g) 1. of the statutes is amended to read:

21 808.075 (4) (g) 1. Release on ~~bond~~ conditions under s. 809.31 or ~~969.01 (2)~~
22 974.09 or ch. 969.

23 * ****NOTE: This section reconciles -0071/P2 and -4648/P2.

23 **SECTION 179.** 808.075 (4) (g) 2. of the statutes is amended to read:

1 809.30 (1) (b) 4. A subject individual or ward seeking postdisposition relief in
2 a ~~s. 971.17~~ proceeding under subch. III of ch. 975 or a case under ch. 51, 55, or 980.

3 **SECTION 185.** 809.30 (1) (c) of the statutes is amended to read:

4 809.30 (1) (c) "Postconviction relief" means an appeal or a motion for
5 postconviction relief in a criminal case, other than an appeal, motion, or petition
6 under ss. 302.113 (7m), 302.1135, ~~973.19~~, 973.195, 974.03, 974.06, or 974.07 (2). In
7 a ch. 980 case, the term means an appeal or a motion for postcommitment relief under
8 s. 980.038 (4).

9 **SECTION 186.** 809.30 (1) (e) of the statutes is amended to read:

10 809.30 (1) (e) "Prosecutor" means a district attorney, corporation counsel, or
11 other attorney authorized by law to represent the state in a criminal case, a
12 proceeding under ~~s. 971.17~~ subch. III of ch. 975, or a case under ch. 48, 51, 55, 938,
13 or 980.

14 **SECTION 187.** 809.30 (2) (a) of the statutes is amended to read:

15 809.30 (2) (a) *Appeal procedure; counsel to continue.* A person seeking
16 postconviction relief in a criminal case; a person seeking postdisposition relief in a
17 case under ch. 48 other than a termination of parental rights case under s. 48.43 or
18 a parental consent to abortion case under s. 48.375 (7); or a person seeking
19 postdisposition relief in a ~~s. 971.17~~ proceeding under subch. III of ch. 975 or in a case
20 under ch. 51, 55, 938, or 980 shall comply with this section. Counsel representing
21 the person at sentencing or at the time of the final adjudication shall continue
22 representation by filing a notice under par. (b) if the person desires to pursue
23 postconviction or postdisposition relief unless counsel is discharged by the person or
24 allowed to withdraw by the circuit court before the notice must be filed.

25 **SECTION 188.** 809.30 (2) (m) of the statutes is created to read:

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1 809.30 (2) (m) *Entry after filing notice.* If the record discloses that the judgment
2 or order appealed from was entered after the notice under this section was filed, the
3 notice shall be treated as filed after that entry on the day of the entry.

4 **SECTION 189.** 809.31 (6) of the statutes is amended to read:

5 809.31 (6) The court ordering release shall require the defendant to post a bond
6 in accordance with s. ~~969.09~~ 974.09 (2) and may impose other terms and conditions.
7 The defendant shall file the bond in the trial court.

8 **SECTION 190.** 814.22 (1) (intro.) of the statutes is amended to read:

9 814.22 (1) (intro.) In all proceedings, including criminal actions, if a change of
10 venue is had ~~(, except in cases where the change of venue is made because the action~~
11 ~~was not brought in the proper county),~~ if the jury is selected for use in another county
12 under s. ~~971.225~~ 971.71, or if an action, occupying a day or more, is tried outside the
13 county wherein pending, the county in which the action was commenced shall pay
14 to the county in which the action is tried or the jury is selected the following expenses
15 arising out of the change of venue or jury selection:

16 **SECTION 191.** 814.69 (1) (a) of the statutes is amended to read:

17 814.69 (1) (a) For a transcript under SCR 71.04, a fee at the rate of \$1.50 per
18 25-line page for the original and 50 cents per 25-line page for the duplicate. Except
19 as provided in s. ~~967.06 (3)~~ 977.072, the fee shall be paid by the county treasurer upon
20 the certificate of the clerk of court.

21 **SECTION 192.** 885.01 (2) of the statutes is amended to read:

22 885.01 (2) By an attorney of record in a criminal action, or by the attorney
23 general or any district attorney or person acting in his or her stead, to require the
24 attendance of witnesses, in behalf of the state, a witness for a deposition, or for a
25 hearing or trial in any court or before any magistrate, and from any part of the state.

1 **SECTION 193.** 885.15 (2) of the statutes is amended to read:

2 885.15 (2) The immunity provided under sub. (1) is subject to the restrictions
3 under s. ~~972.085~~ 967.18.

4 **SECTION 194.** 885.24 (2) of the statutes is amended to read:

5 885.24 (2) The immunity provided under sub. (1) is subject to the restrictions
6 under s. ~~972.085~~ 967.18.

7 **SECTION 195.** 885.25 (2m) of the statutes is amended to read:

8 885.25 (2m) The immunity provided under sub. (2) is subject to the restrictions
9 under s. ~~972.085~~ 967.18.

10 **SECTION 196.** 885.365 (1) of the statutes is amended to read:

11 885.365 (1) Evidence obtained as the result of the use of voice recording
12 equipment for recording of telephone conversations, by way of interception of a
13 communication or in any other manner, shall be totally inadmissible in the courts of
14 this state in civil actions, except as provided in ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405.

15 **SECTION 197.** 885.64 (2) of the statutes is amended to read:

16 885.64 (2) All circuit court proceedings, with the exception of proceedings
17 pursuant to s. ~~972.11 (2m)~~ 972.20, that are conducted by videoconference, interactive
18 video and audio transmission, audiovisual means, live audiovisual means,
19 closed-circuit audiovisual, or other interactive electronic communication with a
20 video component, shall be conducted in accordance with the provisions of this
21 subchapter.

22 **SECTION 198.** 891.39 (1) (b) of the statutes is amended to read:

23 891.39 (1) (b) In actions affecting the family, in which the question of paternity
24 is raised, and in paternity proceedings, the court, upon being satisfied that the
25 parties to the action are unable to adequately compensate any such guardian ad

1 litem for the guardian ad litem's services and expenses, shall then make an order
2 specifying the guardian ad litem's compensation and expenses, which compensation
3 and expenses shall be paid as provided in s. ~~967.06~~ 767.407 (6). If the court orders
4 a county to pay the compensation of the guardian ad litem, the amount ordered may
5 not exceed the compensation paid to private attorneys under s. 977.08 (4m) (b).

 ******NOTE:** Identical treatment of this provision approved in both -0012 and -3257.

6 **SECTION 199.** 891.39 (2) (b) of the statutes is amended to read:

7 891.39 (2) (b) The immunity provided under par. (a) is subject to the restrictions
8 under s. ~~972.085~~ 967.18.

9 **SECTION 200.** 893.93 (1) (d) of the statutes is amended to read:

10 893.93 (1) (d) An action under s. ~~968.31~~ 968.345.

11 **SECTION 201.** 895.01 (1) (am) 7. of the statutes is amended to read:

12 895.01 (1) (am) 7. Causes of action for a violation of s. ~~968.31~~ 968.345 (2m) or
13 other damage to the person.

14 **SECTION 202.** 895.34 of the statutes is amended to read:

15 **895.34 Renewal of sureties upon becoming insufficient and effects**
16 **thereof.** If any bail bond, recognizance, undertaking or other bond or undertaking
17 given in any civil or criminal action or proceeding, becomes at any time insufficient,
18 the court or judge thereof, municipal judge or any magistrate before whom such
19 action or proceeding is pending, may, upon notice, require the plaintiff or defendant
20 to give a new bond, recognizance or undertaking. Every person becoming surety on
21 any such new bond, recognizance or undertaking is liable from the time the original
22 was given, the same as if he or she had been the original surety. If any person fails
23 to comply with the order made in the case the adverse party is entitled to any order,
24 judgment, remedy or process to which he or she would have been entitled had no

1 bond, recognizance or undertaking been given at any time. This section does not
2 apply to a modification of a condition of release under s. 969.33 (7).

3 **SECTION 203.** 895.446 (4) of the statutes is amended to read:

4 895.446 (4) Any recovery under this section shall be reduced by the amount
5 recovered as restitution under ss. 800.093 and 973.20 and ch. 938 for the same act
6 or as recompense under s. ~~969.13 (5) (a)~~ 969.42 for the same act.

7 **SECTION 204.** 895.45 (1) (a) of the statutes is amended to read:

8 895.45 (1) (a) "Abusive conduct" means domestic abuse, as defined under s.
9 49.165 (1) (a), 813.12 (1) (am), or ~~968.075~~ 969.27 (1) (a), harassment, as defined under
10 s. 813.125 (1), sexual exploitation by a therapist under s. 940.22, sexual assault
11 under s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under
12 ss. 948.02 to 948.11.

13 **SECTION 205.** 895.46 (9) (a) (intro.) and 2. and (b) (intro.) and 2. of the statutes
14 are amended to read:

15 895.46 (9) (a) (intro.) The state shall reimburse a state officer or state employee
16 for reasonable attorney fees and costs incurred by the officer or employee in
17 connection with a John Doe proceeding under s. ~~968.26~~ 968.105 (2) arising from the
18 officer's or employee's conduct in the performance of official duties if all the following
19 apply:

20 2. The officer or employee is not convicted of a crime arising from the conduct
21 that is the subject of any criminal complaint issued under s. ~~968.26~~ 968.105 (2) (d).

22 (b) (intro.) The state shall reimburse a state officer or state employee for
23 reasonable attorney fees and costs incurred by the officer or employee in defending
24 a criminal complaint issued under s. ~~968.26~~ 968.105 (2) (d) arising from the officer's
25 or employee's conduct in the performance of official duties if all of the following apply:

1 2. The officer or employee is not convicted of a crime arising from the conduct
2 that is the subject of the criminal complaint issued under s. ~~968.26~~ 968.105 (2) (d).

3 **SECTION 206.** 895.54 of the statutes is amended to read:

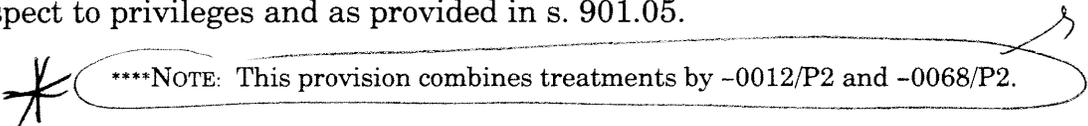
4 **895.54 Liability exemption; notification of release.** A person is immune
5 from any liability regarding any act or omission regarding the notification of any
6 applicable office or person under s. 51.37 (10), 304.06 (1), ~~971.17 (4m) or (6m)~~ 975.62,
7 or 980.11. This section does not apply to willful or wanton acts or omissions.

8 **SECTION 207.** 901.01 of the statutes is amended to read:

9 **901.01 Scope.** Chapters 901 to 911 govern proceedings in the courts of the
10 state of Wisconsin except as provided in ss. 911.01 and ~~972.11~~ 967.24.

11 **SECTION 208.** 901.04 (1) of the statutes is amended to read:

12 901.04 (1) **QUESTIONS OF ADMISSIBILITY GENERALLY.** Preliminary questions
13 concerning the qualification of a person to be a witness, the existence of a privilege,
14 or the admissibility of evidence shall be determined by the judge, subject to sub. (2)
15 and ss. ~~971.31 (11) and 972.11 (2)~~ 346.63 (8), 904.045, 940.22 (6), and 971.65 (6). In
16 making the determination the judge is bound by the rules of evidence only with
17 respect to privileges and as provided in s. 901.05.

 ******NOTE:** This provision combines treatments by -0012/P2 and -0068/P2.

18 **SECTION 209.** 901.04 (3) (cm) of the statutes is amended to read:

19 901.04 (3) (cm) Admissibility of evidence specified in s. ~~972.11 (2) (d)~~ 904.045
20 (4).

21 **SECTION 210.** 901.05 (3) of the statutes is amended to read:

22 901.05 (3) The results of a test or tests under s. 938.296 (4) or (5) or ~~968.38~~
23 968.725 (4) or (5) and the fact that a person has been ordered to submit to such a test
24 or tests under s. 938.296 (4) or (5) or ~~968.38~~ 968.725 (4) or (5) are not admissible

1 during the course of a civil or criminal action or proceeding or an administrative
2 proceeding.

3 **SECTION 211.** 904.04 (1) (b) of the statutes is amended to read:

4 904.04 (1) (b) *Character of victim.* Except as provided in s. ~~972.11 (2)~~ 904.045,
5 evidence of a pertinent trait of character of the victim of the crime offered by an
6 accused, or by the prosecution to rebut the same, or evidence of a character trait of
7 peacefulness of the victim offered by the prosecution in a homicide case to rebut
8 evidence that the victim was the first aggressor;

9 **SECTION 212.** 904.045 (title) of the statutes is created to read:

10 **904.045 (title) Evidence of sexual conduct.**

11 **SECTION 213.** 904.06 (1) of the statutes is amended to read:

12 904.06 (1) **ADMISSIBILITY.** Except as provided in s. ~~972.11 (2)~~ 904.045, evidence
13 of the habit of a person or of the routine practice of an organization, whether
14 corroborated or not and regardless of the presence of eyewitnesses, is relevant to
15 prove that the conduct of the person or organization on a particular occasion was in
16 conformity with the habit or routine practice.

17 **SECTION 214.** 906.08 (1) (intro.) of the statutes is amended to read:

18 906.08 (1) **OPINION AND REPUTATION EVIDENCE OF CHARACTER.** (intro.) Except as
19 provided in s. ~~972.11 (2)~~ 904.045, the credibility of a witness may be attacked or
20 supported by evidence in the form of reputation or opinion, but subject to the
21 following limitations:

22 **SECTION 215.** 906.08 (2) of the statutes is amended to read:

23 906.08 (2) **SPECIFIC INSTANCES OF CONDUCT.** Specific instances of the conduct of
24 a witness, for the purpose of attacking or supporting the witness's credibility, other
25 than a conviction of a crime or an adjudication of delinquency as provided in s.

1 906.09, may not be proved by extrinsic evidence. They may, however, subject to s.
2 ~~972.11 (2)~~ 904.045, if probative of truthfulness or untruthfulness and not remote in
3 time, be inquired into on cross-examination of the witness or on cross-examination
4 of a witness who testifies to his or her character for truthfulness or untruthfulness.

5 **SECTION 216.** 907.06 (5) of the statutes is amended to read:

6 907.06 (5) APPOINTMENT IN CRIMINAL CASES. This section shall not apply to the
7 appointment of experts as provided by s. ~~971.16~~ 975.51.

8 **SECTION 217.** 908.07 of the statutes is amended to read:

9 **908.07 Preliminary examination Probable cause and retention**
10 **hearings for juveniles; hearsay allowable.** A statement which is hearsay, and
11 which is not otherwise excluded from the hearsay rule under ss. 908.02 to 908.045,
12 may be allowed in a ~~preliminary examination~~ probable cause determination under
13 s. 971.027 (2) or a probable cause or retention hearing concerning a juvenile as
14 specified in s. ~~970.03 (1)~~ 971.75 (8).

• ****NOTE: This section combines treatments by -0012/P2 and -0070/P2.

15 **SECTION 218.** 908.08 (5) (am) of the statutes is amended to read:

16 908.08 (5) (am) The testimony of a child under par. (a) may be taken in
17 accordance with s. ~~972.11 (2m)~~ 972.20, if applicable.

18 **SECTION 219.** 908.08 (5) (b) of the statutes is amended to read:

19 908.08 (5) (b) If a recorded statement under this section is shown at a
20 ~~preliminary examination hearing~~ under s. ~~970.03~~ 971.75 (2) and the party who offers
21 the statement does not call the child to testify, the court may not order under par. (a)
22 that the child be produced for cross-examination ~~at the preliminary examination.~~

23 **SECTION 220.** 908.08 (6) of the statutes is amended to read:

1 908.08 (6) Recorded oral statements of children under this section in the
2 possession, custody, or control of the state are discoverable under ss. 48.293 (3),
3 304.06 (3d), ~~971.23 (1) (e)~~ 971.43 (2) (f), and 973.10 (2g).

4 **SECTION 221.** 911.01 (1) of the statutes is amended to read:

5 911.01 (1) COURTS AND COURT COMMISSIONERS. Chapters 901 to 911 apply to the
6 courts of the state of Wisconsin, including municipal courts and circuit,
7 supplemental, and municipal court commissioners, in the proceedings and to the
8 extent hereinafter set forth except as provided in s. ~~972.11~~ 967.24. The word "judge"
9 in chs. 901 to 911 means judge of a court of record, municipal judge, or circuit,
10 supplemental, or municipal court commissioner.

* ***NOTE: This section reconciles -0068/P2 and -3257/P2.

11 **SECTION 222.** 911.01 (4) (b) of the statutes is amended to read:

12 911.01 (4) (b) *Grand jury; John Doe proceedings.* Proceedings before grand
13 juries or a John Doe proceeding under s. ~~968.26~~ 968.105.

14 **SECTION 223.** 911.01 (4) (c) of the statutes is amended to read:

15 911.01 (4) (c) *Miscellaneous proceedings.* Proceedings for extradition or
16 rendition; sentencing, granting, or revoking probation, modification of a sentence
17 under s. 302.1135, adjustment of a bifurcated sentence under s. 973.195 (1r), release
18 to extended supervision under s. 302.113 (2) (b) or 304.06 (1), or discharge under s.
19 973.01 (4m); issuance of subpoenas or warrants under s. 968.375, arrest warrants,
20 criminal summonses, and search warrants; hearings under s. 980.09 (2); proceedings
21 under s. ~~971.14 (1r) (e)~~; ~~or~~ 975.31; proceedings with respect to pretrial release under
22 ch. 969 except where habeas corpus is utilized with respect to release on ~~bail or~~
23 conditions as ~~otherwise~~ provided in ch. 969; and proceedings under s. 165.76 (6) to
24 compel provision of a biological specimen for deoxyribonucleic acid analysis.

1 **SECTION 224.** 938.18 (10) of the statutes is created to read:

2 **938.18 (10) DISPOSITION OPTIONS; CERTAIN JUVENILES YOUNGER THAN 15.** If a court
3 of criminal jurisdiction has jurisdiction over a juvenile for a violation as a result of
4 a waiver under sub. (1) (a) or (b) and the juvenile is alleged to have committed the
5 violation before he or she has attained the age of 15, the court shall proceed as
6 follows:

7 (a) If the juvenile is convicted of an offense for which jurisdiction over the
8 juvenile could not have been waived under sub. (1) (a) or (b), the court shall adjudge
9 the juvenile to be delinquent and impose a disposition specified in s. 938.34.

10 (b) If the juvenile is convicted of an offense other than the offense charged and
11 the offense for which the juvenile is convicted is an offense for which jurisdiction over
12 the juvenile may be waived under sub. (1) (a) or (b) and the court, after considering
13 the criteria specified in sub. (5), determines that the juvenile has proved by clear and
14 convincing evidence that it would be in the best interests of the juvenile and of the
15 public to adjudge the juvenile to be delinquent, the court may impose a disposition
16 specified in s. 938.34.

17 **SECTION 225.** 938.183 (1) (ar) of the statutes is amended to read:

18 **938.183 (1) (ar)** A juvenile specified in par. (a) or (am) who is alleged to have
19 attempted or committed a violation of any state criminal law in addition to the
20 violation alleged under par. (a) or (am) if the violation alleged under this paragraph
21 and the violation alleged under par. (a) or (am) may be joined under s. ~~971.12~~ (1)
22 970.13.

23 **SECTION 226.** 938.183 (1m) (b) of the statutes is amended to read:

24 **938.183 (1m) (b)** If a court of criminal jurisdiction transfers jurisdiction under
25 s. ~~970.032~~ 971.75 (5) or ~~971.31~~ (13) 971.77 to a court assigned to exercise jurisdiction

1 under this chapter and ch. 48, the juvenile is subject to the procedures and
2 dispositions specified in ~~subch.~~ subchs. IV to VI.

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* ****NOTE: This section reconciles -0012/P2 and -0070/P2.

3 **SECTION 227.** 938.21 (2) (f) of the statutes is created to read:

4 938.21 (2) (f) At a hearing under this section, the representative of the public
5 designated under s. 938.09 shall disclose, if in his or her possession, law enforcement
6 investigative reports relating to the case.

7 **SECTION 228.** 938.293 (2) of the statutes is amended to read:

8 938.293 (2) RECORDS RELATING TO JUVENILE. All records relating to a juvenile
9 which are relevant to the subject matter of a proceeding under this chapter shall be
10 open to inspection by a guardian ad litem or counsel for any party, upon demand and
11 upon presentation of releases where necessary, at least 48 hours before the
12 proceeding. Persons entitled to inspect the records may obtain copies of the records
13 with the permission of the custodian of the records or with the permission of the
14 court. The court may instruct counsel not to disclose specified items in the materials
15 to the juvenile or the parent if the court reasonably believes that the disclosure would
16 be harmful to the interests of the juvenile. ~~Section 971.23~~ Subchapter IV of ch. 971
17 shall be applicable in all delinquency proceedings under this chapter, except that the
18 court shall establish the timetable for the disclosures required under ~~s. 971.23 (1),~~
19 ~~(2m), (8), and (9)~~ ss. 971.43, 971.44, 971.45, 971.46, and 971.47.

20 **SECTION 229.** 938.30 (2) of the statutes is amended to read:

21 938.30 (2) INFORMATION TO JUVENILE AND PARENTS; BASIC RIGHTS; SUBSTITUTION.
22 At or before the commencement of the hearing under this section the juvenile and
23 the parent, guardian, legal custodian, or Indian custodian shall be advised of their
24 rights as specified in s. 938.243 and shall be informed that the hearing shall be to the

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1 court and that a request for a substitution of judge under s. 938.29 must be made
2 before the end of the plea hearing or is waived. At the hearing, the district attorney
3 shall disclose, if in his or her possession, law enforcement investigative reports
4 relating to the case. Nonpetitioning parties, including the juvenile, shall be granted
5 a continuance of the plea hearing if they wish to consult with an attorney on the
6 request for a substitution of a judge.

7 **SECTION 230.** 938.30 (5) (c) (intro.) of the statutes is amended to read:

8 938.30 (5) (c) (intro.) If the court finds that the juvenile was not responsible by
9 reason of mental disease or defect, as described under s. ~~971.15~~ 975.50 (1) and (2),
10 the court shall dismiss the petition with prejudice and do one of the following:

11 **SECTION 231.** 938.30 (5) (d) (intro.) of the statutes is amended to read:

12 938.30 (5) (d) (intro.) If the court finds that the juvenile is not competent to
13 proceed, as described in s. ~~971.13~~ 975.30 (1) and (2), the court shall suspend
14 proceedings on the petition and do one of the following:

15 **SECTION 232.** 938.30 (5) (e) 1. (intro.) of the statutes is amended to read:

16 938.30 (5) (e) 1. (intro.) A juvenile who is not competent to proceed, as described
17 in s. ~~971.13~~ 975.30 (1) and (2), but who is likely to become competent to proceed
18 within 12 months or within the time period of the maximum sentence that may be
19 imposed on an adult for the most serious delinquent act with which the juvenile is
20 charged, whichever is less, and who is committed under s. 51.20 following an order
21 under par. (d) 1. or who is placed under a dispositional order following an order under
22 par. (d) 2., shall be periodically reexamined with written reports of those
23 reexaminations to be submitted to the court every 3 months and within 30 days
24 before the expiration of the juvenile's commitment or dispositional order. Each
25 report shall indicate one of the following: