

1 convincing evidence that it would be in the best interests of the juvenile and of the
2 public to adjudge the juvenile to be delinquent, the court may impose a disposition
3 specified in s. 938.34.

4 **SECTION 236.** 938.183 (1) (ar) of the statutes is amended to read:

5 938.183 (1) (ar) A juvenile specified in par. (a) or (am) who is alleged to have
6 attempted or committed a violation of any state criminal law in addition to the
7 violation alleged under par. (a) or (am) if the violation alleged under this paragraph
8 and the violation alleged under par. (a) or (am) may be joined under s. ~~971.12 (1)~~
9 970.13.

10 **SECTION 237.** 938.183 (1m) (b) of the statutes is amended to read:

11 938.183 (1m) (b) If a court of criminal jurisdiction transfers jurisdiction under
12 s. ~~970.032~~ 971.75 (5) or ~~971.31 (13)~~ 971.77 to a court assigned to exercise jurisdiction
13 under this chapter and ch. 48, the juvenile is subject to the procedures and
14 dispositions specified in ~~subch.~~ subchs. IV to VI. *plain spell*

15 **SECTION 238.** 938.195 (1) (a) of the statutes is amended to read:

16 938.195 (1) (a) "Custodial interrogation" has the meaning ~~give~~ given in s.
17 ~~968.073~~ 969.165 (1) (a).

18 **SECTION 239.** 938.21 (2) (f) of the statutes is created to read:

19 938.21 (2) (f) At a hearing under this section, the representative of the public
20 designated under s. 938.09 shall disclose, if in his or her possession, law enforcement
21 investigative reports relating to the case.

22 **SECTION 240.** 938.293 (2) of the statutes is amended to read:

23 938.293 (2) RECORDS RELATING TO JUVENILE. All records relating to a juvenile
24 which are relevant to the subject matter of a proceeding under this chapter shall be
25 open to inspection by a guardian ad litem or counsel for any party, upon demand and

1 upon presentation of releases where necessary, at least 48 hours before the
2 proceeding. Persons entitled to inspect the records may obtain copies of the records
3 with the permission of the custodian of the records or with the permission of the
4 court. The court may instruct counsel not to disclose specified items in the materials
5 to the juvenile or the parent if the court reasonably believes that the disclosure would
6 be harmful to the interests of the juvenile. ~~Section 971.23~~ Subchapter IV of ch. 971
7 shall be applicable in all delinquency proceedings under this chapter, except that the
8 court shall establish the timetable for the disclosures required under s. 971.23 (1),
9 (2m), (8), and (9) ss. 971.43, 971.44, 971.45, 971.46, and 971.47.

10 **SECTION 241.** 938.30 (2) of the statutes is amended to read:

11 938.30 (2) INFORMATION TO JUVENILE AND PARENTS; BASIC RIGHTS; SUBSTITUTION.

12 At or before the commencement of the hearing under this section the juvenile and
13 the parent, guardian, legal custodian, or Indian custodian shall be advised of their
14 rights as specified in s. 938.243 and shall be informed that the hearing shall be to the
15 court and that a request for a substitution of judge under s. 938.29 must be made
16 before the end of the plea hearing or is waived. At the hearing, the district attorney
17 shall disclose, if in his or her possession, law enforcement investigative reports
18 relating to the case. Nonpetitioning parties, including the juvenile, shall be granted
19 a continuance of the plea hearing if they wish to consult with an attorney on the
20 request for a substitution of a judge.

21 **SECTION 242.** 938.30 (5) (c) (intro.) of the statutes is amended to read:

22 938.30 (5) (c) (intro.) If the court finds that the juvenile was not responsible by
23 reason of mental disease or defect, as described under s. ~~971.15~~ 975.50 (1) and (2),
24 the court shall dismiss the petition with prejudice and do one of the following:

25 **SECTION 243.** 938.30 (5) (d) (intro.) of the statutes is amended to read:

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

4 **SECTION 244.** 938.30 (5) (e) 1. (intro.) of the statutes is amended to read:

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

15 **SECTION 245.** 938.31 (2) of the statutes is amended to read:

16 938.31 (2) HEARING TO THE COURT; PROCEDURES. The hearing shall be to the court.
17 If the hearing involves a child victim, as defined in s. 938.02 (20m) (a) 1., or a child
18 witness, as defined in s. 950.02 (5), the court may order that a deposition be taken
19 by audiovisual means and allow the use of a recorded deposition under s. ~~967.04 (7)~~
20 ~~to (10) and, with the district attorney, shall comply with s. 971.105~~ 967.22. At the
21 conclusion of the hearing, the court shall make a determination of the facts. If the
22 court finds that the juvenile is not within the jurisdiction of the court or the court
23 finds that the facts alleged in the petition or citation have not been proved, the court
24 shall dismiss the petition or citation with prejudice.

25 **SECTION 246.** 938.31 (3) (a) 4. of the statutes is amended to read:

1 938.31 (3) (a) 4. “Statement” has the meaning given in s. ~~972.115~~ 972.18 (1) (d).

2 SECTION 247. 938.31 (3) (d) of the statutes is amended to read:

3 938.31 (3) (d) Notwithstanding ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405, a
4 juvenile’s lack of consent to having an audio or audio and visual recording made of
5 a custodial interrogation does not affect the admissibility in evidence of an audio or
6 audio and visual recording of a statement made by the juvenile during the
7 interrogation.

8 SECTION 248. 938.315 (2) of the statutes is amended to read:

9 938.315 (2) CONTINUANCE FOR GOOD CAUSE. A continuance may be granted by
10 the court only upon a showing of good cause in open court or during a telephone
11 conference under s. 807.13 on the record and only for so long as is necessary, taking
12 into account the request or consent of the representative of the public under s. 938.09
13 or the parties, the interests of the victims, and the interest of the public in the prompt
14 disposition of cases. In ruling on any motion or other request for a continuance or
15 delay of the proceedings, the court shall also consider and give weight to any adverse
16 impact the delay or continuance may have on the well-being of a victim or a witness,
17 as defined in s. 950.02 (5), if the victim or witness is a child. In addition, if a victim
18 or a witness is a child, the court and the representative of the public under s. 938.09
19 shall take appropriate action to ensure speedy proceedings in order to minimize the
20 time during which the child must endure the stress of his or her involvement in the
21 proceedings.

22 SECTION 249. 938.396 (1) (a) of the statutes is amended to read:

23 938.396 (1) (a) *Confidentiality*. Law enforcement agency records of juveniles
24 shall be kept separate from records of adults. Law enforcement agency records of
25 juveniles may not be open to inspection or their contents disclosed except under par.

NS
84-22

1 (b) or (c), sub. (1j), (2m) (c) 1p., or (10), or s. 938.21 (2) (f), 938.293, or 938.30 (2) or
2 by order of the court.

3 **SECTION 250.** 938.396 (2g) (dr) of the statutes is amended to read:

4 938.396 (2g) (dr) *Presentence investigation.* Upon request of the department
5 of corrections or any other person preparing a presentence investigation under s.
6 ~~972.15~~ 973.004 to review court records for the purpose of preparing the presentence
7 investigation, the court shall open for inspection by any authorized representative
8 of the requester the records of the court relating to any juvenile who has been the
9 subject of a proceeding under this chapter.

10 **SECTION 251.** 938.535 of the statutes is amended to read:

11 **938.535 Early release and intensive supervision program; limits.** The
12 department may establish a program for the early release and intensive supervision
13 of juveniles who have been placed in a juvenile correctional facility or a secured
14 residential care center for children and youth under s. 938.183 or 938.34 (4m). The
15 program may not include any juveniles who have been placed in a juvenile
16 correctional facility or a secured residential care center for children and youth as a
17 result of a delinquent act involving the commission of a violent crime as defined in
18 s. ~~969.035~~ 969.43, but not including the crime specified in s. 948.02 (1).

19 **SECTION 252.** 938.78 (2) (d) 1. of the statutes is amended to read:

20 938.78 (2) (d) 1. The subject of a presentence investigation under s. ~~972.15~~
21 973.004.

22 **SECTION 253.** 939.60 of the statutes is amended to read:

23 **939.60 Felony and misdemeanor defined.** ~~A crime punishable by~~
24 ~~imprisonment in the Wisconsin state prisons is a felony~~ “Felony” has the meaning
25 given in s. 967.025 (11). Every other crime is a misdemeanor.

1 **SECTION 254.** 939.615 (2) (a) of the statutes is amended to read:

2 939.615 (2) (a) Except as provided in par. (b), if a person is convicted of a serious
3 sex offense or found not guilty of a serious sex offense by reason of mental disease
4 or defect, the court may, in addition to sentencing the person, placing the person on
5 probation or, if applicable, committing the person under ~~s. 971.17~~ subch. III of ch.
6 975, place the person on lifetime supervision by the department if notice concerning
7 lifetime supervision was given to the person under s. 973.125 and if the court
8 determines that lifetime supervision of the person is necessary to protect the public.

9 **SECTION 255.** 939.615 (3) (d) of the statutes is amended to read:

10 939.615 (3) (d) If the person has been committed to the department of health
11 services under ~~s. 971.17~~ subch. III of ch. 975 for the serious sex offense, upon the
12 termination of his or her commitment under s. ~~971.17 (5)~~ 975.60 or his or her
13 discharge from the commitment under s. ~~971.17 (6)~~ 975.61, whichever is applicable.

14 **SECTION 256.** 939.621 (1) (a) of the statutes is amended to read:

15 939.621 (1) (a) A person who commits, during the 72 hours immediately
16 following an arrest for a domestic abuse incident as set forth in s. ~~968.075~~ 969.27 (5),
17 an act of domestic abuse, as defined in s. ~~968.075~~ 969.27 (1) (a) that constitutes the
18 commission of a crime. For the purpose of the definition under this paragraph, the
19 72-hour period applies whether or not there has been a waiver by the victim under
20 s. ~~968.075~~ 969.27 (5) (c).

21 **SECTION 257.** 939.621 (2) of the statutes is amended to read:

22 939.621 (2) If a person commits an act of domestic abuse, as defined in s.
23 ~~968.075~~ 969.27 (1) (a) and the act constitutes the commission of a crime, the
24 maximum term of imprisonment for that crime may be increased by not more than
25 2 years if the person is a domestic abuse repeater. The victim of the domestic abuse

1 crime does not have to be the same as the victim of the domestic abuse incident that
2 resulted in the prior arrest or conviction. The penalty increase under this section
3 changes the status of a misdemeanor to a felony.

4 **SECTION 258.** 939.74 (1) of the statutes is amended to read:

5 939.74 (1) Except as provided in subs. (2) and (2d) and s. 946.88 (1), prosecution
6 for a felony must be commenced within 6 years and prosecution for a misdemeanor
7 or for adultery within 3 years after the commission thereof. Within the meaning of
8 this section, a prosecution has commenced when ~~a warrant or summons is issued~~, an
9 indictment is found, ~~or an information~~ a complaint is filed.

10 **SECTION 259.** 939.74 (3) of the statutes is amended to read:

11 939.74 (3) In computing the time limited by this section, the time during which
12 the actor was not publicly a resident within this state or during which a prosecution
13 against the actor for the same act was pending shall not be included. A prosecution
14 is pending when ~~a warrant or a summons has been issued~~, an indictment has been
15 found, ~~or an information~~ a complaint has been filed.

16 **SECTION 260.** 939.74 (4) of the statutes is amended to read:

17 939.74 (4) In computing the time limited by this section, the time during which
18 an alleged victim under s. 940.22 (2) is unable to seek the issuance filing of a
19 complaint under s. ~~968.02~~ 970.08 due to the effects of the sexual contact or due to any
20 threats, instructions or statements from the therapist shall not be included.

21 **SECTION 261.** 940.09 (1m) (a) of the statutes is amended to read:

22 940.09 (1m) (a) A person may be charged with and a prosecutor may proceed
23 upon ~~an information~~ a complaint based upon a violation of any combination of sub.
24 (1) (a), (am), or (b); any combination of sub. (1) (a), (am), or (bm); any combination of
25 sub. (1) (c), (cm), or (d); any combination of sub. (1) (c), (cm), or (e); any combination

1 of sub. (1g) (a), (am), or (b) ~~or~~ or any combination of sub. (1g) (c), (cm), or (d) for acts
2 arising out of the same incident or occurrence.

3 **SECTION 262.** 940.09 (1m) (b) of the statutes is amended to read:

4 940.09 (1m) (b) If a person is charged in ~~an information~~ a complaint with any
5 of the combinations of crimes referred to in par. (a), the crimes shall be joined under
6 s. ~~971.12~~ 970.13. If the person is found guilty of more than one of the crimes so
7 charged for acts arising out of the same incident or occurrence, there shall be a single
8 conviction for purposes of sentencing and for purposes of counting convictions under
9 s. 23.33 (13) (b) 2. and 3., under s. 30.80 (6) (a) 2. and 3., under s. 343.307 (1) or under
10 s. 350.11 (3) (a) 2. and 3. Subsection (1) (a), (am), (b), (bm), (c), (cm), (d), and (e) each
11 require proof of a fact for conviction which the others do not require, and sub. (1g)
12 (a), (am), (b), (c), (cm), and (d) each require proof of a fact for conviction which the
13 others do not require.

14 **SECTION 263.** 940.225 (4) (intro.) of the statutes is amended to read:

15 940.225 (4) CONSENT. (intro.) “Consent”, as used in this section, means words
16 or overt actions by a person who is competent to give informed consent indicating a
17 freely given agreement to have sexual intercourse or sexual contact. Consent is not
18 an issue in alleged violations of sub. (2) (c), (cm), (d), (g), (h), and (i). The following
19 persons are presumed incapable of consent but the presumption may be rebutted by
20 competent evidence, subject to the provisions of s. ~~972.11 (2)~~ 904.045:

21 **SECTION 264.** 940.25 (1m) (a) of the statutes is amended to read:

22 940.25 (1m) (a) A person may be charged with and a prosecutor may proceed
23 upon ~~an information~~ a complaint based upon a violation of any combination of sub.
24 (1) (a), (am), or (b); any combination of sub. (1) (a), (am), or (bm); any combination of

1 sub. (1) (c), (cm), or (d); or any combination of sub. (1) (c), (cm), or (e) for acts arising
2 out of the same incident or occurrence.

3 **SECTION 265.** 940.25 (1m) (b) of the statutes is amended to read:

4 940.25 (1m) (b) If a person is charged in ~~an information~~ a complaint with any
5 of the combinations of crimes referred to in par. (a), the crimes shall be joined under
6 s. ~~971.12~~ 970.13. If the person is found guilty of more than one of the crimes so
7 charged for acts arising out of the same incident or occurrence, there shall be a single
8 conviction for purposes of sentencing and for purposes of counting convictions under
9 s. 23.33 (13) (b) 2. and 3., under s. 30.80 (6) (a) 2. or 3., under ss. 343.30 (1q) and
10 343.305 or under s. 350.11 (3) (a) 2. and 3. Subsection (1) (a), (am), (b), (bm), (c), (cm),
11 (d), and (e) each require proof of a fact for conviction which the others do not require.

12 **SECTION 266.** 940.32 (2m) (d) of the statutes is amended to read:

13 940.32 (2m) (d) The person violates s. ~~968.31~~ 968.345 (1) or ~~968.34~~ 968.376 (1)
14 in order to facilitate the violation.

15 **SECTION 267.** 940.48 (intro.) of the statutes is amended to read:

16 **940.48 Violation of court orders.** (intro.) Whoever violates an order issued
17 under s. 940.47 or violates any condition of a bond required under s. 969.33 (4) (d)
18 may be punished as follows:

19 **SECTION 268.** 940.49 of the statutes is repealed.

20 **SECTION 269.** 941.28 (5) of the statutes is amended to read:

21 941.28 (5) Any firearm seized under this section is subject to s. ~~968.20~~ (3)
22 175.27 (1) and is presumed to be contraband.

23 **SECTION 270.** 941.29 (3) of the statutes is amended to read:

24 941.29 (3) Any firearm involved in an offense under sub. (2) is subject to s.
25 ~~968.20~~ (3) 175.27 (1).

1 **SECTION 271.** 943.245 (3m) of the statutes is amended to read:

2 943.245 (3m) Any recovery under this section shall be reduced by the amount
3 recovered as restitution for the same act under ss. 800.093 and 973.20 or as
4 recompense under s. ~~969.13 (5) (a)~~ 969.42 for the same act and by any amount
5 collected in connection with the act and paid to the plaintiff under a deferred
6 prosecution agreement under s. 971.41.

7 **SECTION 272.** 943.51 (3r) of the statutes is amended to read:

8 943.51 (3r) Any recovery under this section shall be reduced by the amount
9 recovered as restitution for the same act under ss. 800.093 and 973.20 or as
10 recompense under s. ~~969.13 (5) (a)~~ 969.42 for the same act.

11 **SECTION 273.** 946.42 (3) (g) of the statutes is amended to read:

12 946.42 (3) (g) Committed to the department of health services under ch. ~~971~~
13 975, 2011 stats., or ch. 975.

14 **SECTION 274.** 946.49 (2) of the statutes is amended to read:

15 946.49 (2) A witness for whom ~~bail has been required~~ conditions of release have
16 been set under s. ~~969.01 (3)~~ 969.52 is guilty of a Class I felony for failure to appear
17 as provided.

18 **SECTION 275.** 946.60 (1) of the statutes is amended to read:

19 946.60 (1) Whoever intentionally destroys, alters, mutilates, conceals,
20 removes, withholds, or transfers possession of a document or other object, knowing
21 that a subpoena has been issued for the document ~~has been subpoenaed~~ or other
22 object by a court ~~or~~, by or at the request of a district attorney or the attorney general,
23 or by an attorney of record in a criminal case or a case under ch. 938 or 980, is guilty
24 of a Class I felony.

25 **SECTION 276.** 946.86 (2) of the statutes is amended to read:

1 946.86 (2) Any criminal complaint alleging violation of s. 946.83 or 946.85 shall
2 allege the extent of property subject to forfeiture under this section. At trial, the trier
3 of fact shall return a special verdict determining the extent of property, if any, to be
4 subject to forfeiture under this section. When a special verdict contains a finding of
5 property subject to a forfeiture under this section, a judgment of criminal forfeiture
6 shall be entered along with the judgment of conviction under s. ~~972.13~~ 972.28.

7 **SECTION 277.** 946.87 (2) (am) of the statutes is amended to read:

8 946.87 (2) (am) Notwithstanding par. (a), property described in par. (a) is
9 subject to forfeiture if the person who violated s. 946.83 or 946.85 has not been
10 convicted, but he or she is a defendant in a criminal proceeding, is released, pending
11 trial, on ~~bail, as defined in s. 969.001~~ conditions under ch. 969, and fails to appear
12 in court regarding the criminal proceeding. However, before making the final
13 determination of any action under this section, the court must determine that the
14 party bringing the action can prove the person committed the violation of s. 946.83
15 or 946.85.

16 **SECTION 278.** 948.015 (9) of the statutes is amended to read:

17 948.015 (9) A crime that involves an act of domestic abuse, as defined in s.
18 ~~968.075~~ 969.27 (1) (a), if the court includes in its reasoning under s. 973.017 (10m)
19 for its sentencing decision the aggravating factor under s. 973.017 (6m).

20 **SECTION 279.** 948.31 (5) of the statutes is amended to read:

21 948.31 (5) The venue of an action under this section is prescribed in s. ~~971.19~~
22 970.14 (8).

23 **SECTION 280.** 948.50 (4) (c) of the statutes is amended to read:

24 948.50 (4) (c) Is committed, transferred, or admitted under ch. 975, 2011 stats.,
25 or ch. 51, 971 or 975.

1 **SECTION 281.** 948.50 (5) of the statutes is amended to read:

2 948.50 (5) This section does not apply to any law enforcement officer
3 conducting a strip search under s. ~~968.255~~ 968.585.

4 **SECTION 282.** 949.165 (1) (a) of the statutes is amended to read:

5 949.165 (1) (a) “Serious crime” has the meaning designated in s. ~~969.08 (10)~~
6 969.51 (7) (b) and includes solicitation, conspiracy or attempt to commit a serious
7 crime.

8 **SECTION 283.** 949.165 (9) of the statutes is amended to read:

9 949.165 (9) INTERPLEADER. If a court determines that a person accused of a
10 serious crime is incompetent to proceed under s. ~~971.14~~ 975.34 or if the charges are
11 dismissed without prejudice, the department shall bring an action of interpleader to
12 determine the disposition of the escrow account.

13 **SECTION 284.** 950.04 (1v) (b) of the statutes is amended to read:

14 950.04 (1v) (b) To attend court proceedings in the case, subject to ss. 906.15 and
15 938.299 (1). The court may require the victim to exercise his or her right under this
16 paragraph using telephone or live audiovisual means, if available, if the victim is
17 under arrest, incarcerated, imprisoned or otherwise detained by any law
18 enforcement agency or is admitted or committed on an inpatient basis to a treatment
19 facility under ch. 51, ~~971~~ 975, or 980, and the victim does not have a person specified
20 in s. 950.02 (4) (a) 3. to exercise the victim’s right under this paragraph.

21 **SECTION 285.** 950.04 (1v) (d) of the statutes is amended to read:

22 950.04 (1v) (d) To request an order for, and to be given the results of, testing
23 to determine the presence of a communicable disease, as provided under ~~ss. s.~~
24 938.296 or ~~968.38~~ 968.725.

25 **SECTION 286.** 950.04 (1v) (dL) of the statutes is amended to read:

1 950.04 (1v) (dL) To not be the subject of a law enforcement officer's or district
2 attorney's order, request, or suggestion that he or she submit to a test using a lie
3 detector, as defined in s. 111.37 (1) (b), if he or she claims to have been the victim of
4 a sexual assault under s. 940.22 (2), 940.225, 948.02 (1) or (2), or 948.085, except as
5 permitted under s. ~~968.265~~ 968.595.

6 **SECTION 287.** 950.04 (1v) (e) of the statutes is amended to read:

7 950.04 (1v) (e) To be provided a waiting area under ss. 938.2965 and ~~967.10~~
8 967.23.

9 **SECTION 288.** 950.04 (1v) (em) of the statutes is amended to read:

10 950.04 (1v) (em) To have his or her interests considered by the court in
11 determining whether to exclude persons from a ~~preliminary probable cause or~~
12 retention hearing concerning a juvenile, as provided under s. ~~970.03 (4)~~ 971.75.

13 **SECTION 289.** 950.04 (1v) (g) of the statutes is amended to read:

14 950.04 (1v) (g) To have reasonable attempts made to notify the victim of
15 hearings or court proceedings, as provided under ss. 302.113 (9g) (g) 2., 302.114 (6),
16 938.27 (4m) and (6), 938.273 (2), 971.095 (3), and ~~972.14~~ 973.003 (3) (b).

17 **SECTION 290.** 950.04 (1v) (L) of the statutes is amended to read:

18 950.04 (1v) (L) To have the district attorney or corporation counsel, whichever
19 is applicable, make a reasonable attempt to contact the victim concerning the
20 victim's right to make a statement, as provided under ss. 938.32 (1) (b) 2., 938.335
21 (3m) (b) and ~~972.14~~ 973.003 (3) (b).

22 **SECTION 291.** 950.04 (1v) (m) of the statutes is amended to read:

23 950.04 (1v) (m) To provide statements concerning sentencing, disposition, or
24 parole, as provided under ss. 304.06 (1) (e), 938.32 (1) (b) 1g., 938.335 (3m) (ag), and
25 ~~972.14~~ 973.003 (3) (a).

1 **SECTION 292.** 950.04 (1v) (p) of the statutes is amended to read:

2 950.04 (1v) (p) To have the person preparing a presentence investigation under
3 s. ~~972.15~~ 973.004 make a reasonable attempt to contact the victim, as provided in s.
4 ~~972.15~~ 973.004 (2m).

5 **SECTION 293.** 950.04 (1v) (qm) of the statutes is amended to read:

6 950.04 (1v) (qm) To recompense as provided under s. ~~969.13 (5) (a)~~ 969.42.

7 **SECTION 294.** 950.04 (1v) (s) of the statutes is amended to read:

8 950.04 (1v) (s) To have any stolen or other personal property expeditiously
9 returned by law enforcement agencies when no longer needed as evidence, subject
10 to s. ~~968.205~~ 968.645. If feasible, all such property, except weapons, currency,
11 contraband, property subject to evidentiary analysis, property subject to
12 preservation under s. ~~968.205~~ 968.645, and property the ownership of which is
13 disputed, shall be returned to the person within 10 days of being taken.

14 **SECTION 295.** 950.04 (1v) (um) of the statutes is amended to read:

15 950.04 (1v) (um) To have district attorneys make a reasonable attempt to notify
16 the victim under s. ~~971.17 (4m)~~ 975.62 (2) regarding conditional releases under s.
17 ~~971.17~~ 975.57 (4) or 975.59.

18 **SECTION 296.** 950.04 (1v) (x) of the statutes is amended to read:

19 950.04 (1v) (x) To have the department of health services make a reasonable
20 attempt to notify the victim under s. ~~971.17 (6m)~~ 975.62 (3) regarding termination
21 or discharge under s. ~~971.17~~ 975.60 or 975.61 and under s. 51.37 (10) regarding home
22 visits under s. 51.37 (10).

23 **SECTION 297.** 950.04 (2w) (f) of the statutes is amended to read:

24 950.04 (2w) (f) To be provided a waiting area under ss. 938.2965 and ~~967.10~~
25 967.23.

1 **SECTION 298.** 950.055 (2) (b) of the statutes is amended to read:

2 950.055 (2) (b) Advice to the judge, when appropriate and as a friend of the
3 court, regarding the child’s ability to understand proceedings and questions. The
4 services may include providing assistance in determinations concerning the taking
5 of depositions by audiovisual means under s. 908.08 or ~~967.04 (7) and (8)~~ 967.22 and
6 the duty to expedite proceedings under ~~s.~~ ss. 938.315 (2) and 971.105.

7 **SECTION 299.** 950.08 (2g) (c) of the statutes is amended to read:

8 950.08 (2g) (c) The address and telephone number of the intake worker,
9 corporation counsel, or district attorney whom the victim may contact to obtain
10 information concerning the rights of victims and to request notice of court
11 proceedings under ss. 938.27 (4m) and (6), 938.273 (2), 938.299 (1) (am) and 938.335
12 (3m) (b) or ss. 971.095 (3) and ~~972.14~~ 973.003 (3) (b), whichever is applicable, and to
13 request the opportunity to confer under ~~ss.~~ s. 938.245 (1m), 938.265, or 938.32 (1)
14 (am) or s. 971.095 (2), whichever is applicable.

15 **SECTION 300.** 950.08 (2r) (intro.) of the statutes is amended to read:

16 950.08 (2r) INFORMATION TO BE PROVIDED BY A DISTRICT ATTORNEY IN CRIMINAL
17 CASES. (intro.) As soon as practicable, but in no event later than 10 days after the
18 initial appearance under ~~s. 970.01 or 24 hours before a preliminary examination~~
19 ~~under s. 970.03, whichever is earlier,~~ subch. I of ch. 971 of a person charged with a
20 crime in a court of criminal jurisdiction, a district attorney shall make a reasonable
21 attempt to provide to each victim of the crime written information on all of the
22 following:

23 **SECTION 301.** 951.01 (4) of the statutes is amended to read:

24 951.01 (4) “Law enforcement officer” has the meaning assigned under s. ~~967.02~~
25 (5) 967.025 (13) but does not include a conservation warden appointed under s. 23.10.

MS
95.15

1 **SECTION 302.** 961.48 (2m) (a) of the statutes is amended to read:

2 961.48 (2m) (a) Whenever a person charged with a felony offense under this
3 chapter may be subject to a conviction for a 2nd or subsequent offense, he or she is
4 not subject to an enhanced penalty under sub. (1) unless any applicable prior
5 convictions are alleged in the complaint, or indictment ~~or information~~ or in an
6 amended complaint, or indictment ~~or information~~ that is filed under par. (b) 1. A
7 person is not subject to an enhanced penalty under sub. (1) for an offense if an
8 allegation of applicable prior convictions is withdrawn by an amended complaint or
9 indictment filed under par. (b) 2.

10 **SECTION 303.** 961.48 (2m) (b) (intro.) of the statutes is amended to read:

11 961.48 (2m) (b) (intro.) Notwithstanding s. ~~971.29~~ 970.09 (1), at any time before
12 entry of a guilty or no contest plea or the commencement of a trial, a district attorney
13 may file without leave of the court an amended complaint, ~~information~~ or indictment
14 that does any of the following:

15 **SECTION 304.** 961.56 (1) of the statutes is amended to read:

16 961.56 (1) It is not necessary for the state to negate any exemption or exception
17 in this chapter in any complaint, ~~information~~, indictment, or other pleading or in
18 any trial, hearing or other proceeding under this chapter. The burden of proof of any
19 exemption or exception is upon the person claiming it.

20 **SECTION 305.** 967.01 of the statutes is amended to read:

21 **967.01 Title and effective date.** Chapters 967 to 979 may be referred to as
22 the criminal procedure code and shall be interpreted as a unit. Chapters 967 to 979
23 shall govern all criminal proceedings ~~and is effective on July 1, 1970.~~ Chapters 967
24 to 979 apply in all prosecutions commenced on or after that date. Prosecutions
25 commenced prior to July 1, 1970, shall be governed by the law existing prior thereto.

1 **SECTION 306.** 967.02 (title) of the statutes is repealed.

2 **SECTION 307.** 967.02 (intro.) of the statutes is renumbered 967.025 (intro.).

3 **SECTION 308.** 967.02 (1) of the statutes is renumbered 967.025 (4) and amended
4 to read:

5 967.025 (4) “Clerk” means the clerk of circuit court of the county ~~including and~~
6 includes the clerk’s deputies.

7 **SECTION 309.** 967.02 (2) of the statutes is renumbered 967.025 (9) and amended
8 to read:

9 967.025 (9) “Department” means the department of corrections, except as
10 provided in ~~ss. 971.14 and 975.001~~ s. 975.20 (1) for purposes of ch. 975.

11 **SECTION 310.** 967.02 (3) and (4) of the statutes are repealed.

12 **SECTION 311.** 967.02 (5) of the statutes is renumbered 967.025 (13).

13 **SECTION 312.** 967.02 (6) of the statutes is renumbered 967.025 (12) and
14 amended to read:

15 967.025 (12) “Judge” means judge of ~~a~~ the circuit court of record and includes
16 a court commissioner acting within the scope of authority conferred under s. 757.69.

17 **SECTION 313.** 967.02 (7) of the statutes is renumbered 967.025 (6) and amended
18 to read:

19 967.025 (6) “Court” means the circuit court unless otherwise indicated and
20 includes a court commissioner acting within the scope of authority conferred under
21 s. 757.69.

22 **SECTION 314.** 967.02 (8) of the statutes is repealed.

23 **SECTION 315.** 967.025 (title) of the statutes is created to read:

24 **967.025 (title) Definitions.**

25 **SECTION 316.** 967.025 (2) of the statutes is created to read:

1 967.025 (2) “Bond” means a promise by a person in custody to appear in court
2 as required and to comply with other conditions.

3 **SECTION 317.** 967.025 (3) of the statutes is created to read:

4 967.025 (3) “Citation” means a directive, issued by a law enforcement officer,
5 that a person appear in court or the district attorney’s office.

6 **SECTION 318.** 967.025 (5) of the statutes is created to read:

7 967.025 (5) “Complaint” or “criminal complaint” means the written statement
8 of the essential facts constituting the crime charged that is issued by a district
9 attorney. “Complaint” or “criminal complaint” includes a citation endorsed by a
10 district attorney under s. 969.24 (5).

11 **SECTION 319.** 967.025 (7) of the statutes is created to read:

12 967.025 (7) “Crime” means conduct that is prohibited by state law and
13 punishable by fine or imprisonment or both. Conduct punishable only by a forfeiture
14 is not a crime.

15 **SECTION 320.** 967.025 (8) of the statutes is created to read:

16 967.025 (8) “Crime considered at sentencing” means any crime for which the
17 defendant was convicted and any read-in crime.

18 **SECTION 321.** 967.025 (10) of the statutes is created to read:

19 967.025 (10) “District attorney” includes any duly qualified deputies and
20 assistants and includes a special prosecutor under s. 978.045, a person assisting
21 under s. 978.05 (8) (b), and the attorney general in cases in which he or she is
22 authorized to investigate or prosecute.

23 **SECTION 322.** 967.025 (11) of the statutes is created to read:

24 967.025 (11) “Felony” means a crime punishable by imprisonment in the
25 Wisconsin state prisons, but does not include a crime that is punishable by

1 imprisonment in prison only as a result of the application of a penalty increase
2 provision that does not specifically provide that application of the penalty increase
3 makes the crime a felony.

4 **SECTION 323.** 967.025 (14) of the statutes is created to read:

5 967.025 (14) "Misdemeanor" means a crime other than a felony.

6 **SECTION 324.** 967.025 (15) of the statutes is created to read:

7 967.025 (15) "Motion" means an application for an order.

8 **SECTION 325.** 967.025 (16) of the statutes is created to read:

9 967.025 (16) "Read-in crime" means any crime that is uncharged or that is
10 dismissed as part of a plea agreement, that the defendant agrees to have considered
11 by the court at the time of sentencing, and that the court considers at the time of
12 sentencing the defendant for the crime for which the defendant was convicted.

13 **SECTION 326.** 967.025 (17) of the statutes is created to read:

14 967.025 (17) "Sentencing" means the imposition of a sentence, fine, or
15 probation.

16 **SECTION 327.** 967.03 of the statutes is repealed.

17 **SECTION 328.** 967.04 (title), (1), (2), (3), (4), (5) and (6) of the statutes are
18 renumbered 967.21 (title), (1), (2), (3), (4), (5) and (6), and 967.21 (title), (1) and (4)
19 (a), as renumbered, are amended to read:

20 **967.21 (title) Depositions in criminal proceedings generally. (1)**

21 CIRCUMSTANCE UNDER WHICH PERMITTED. If it appears that a prospective witness may
22 be unable to attend or prevented from attending a criminal trial or hearing, that the
23 prospective witness's testimony is material and that it is necessary to take the
24 prospective witness's deposition in order to prevent a failure of justice, the court at
25 any time after the filing of an indictment or ~~information~~ complaint may upon motion

1 and notice to the parties order that the prospective witness's testimony be taken by
2 deposition and that any designated books, papers, documents, or tangible objects,
3 not privileged, be produced at the same time and place. If a witness is committed
4 pursuant to s. ~~969.01 (3)~~ 969.52, the court shall direct that the witness's deposition
5 be taken upon notice to the parties. ~~After the deposition has been subscribed, the~~
6 ~~court shall discharge the witness.~~

7 (4) (a) If the state or a witness procures such an order under sub. (1), the notice
8 shall inform the defendant that the defendant is required to personally attend at the
9 taking of the deposition and that the defendant's failure so to do is a waiver of the
10 defendant's right to face the witness whose deposition is to be taken. Failure to
11 attend shall constitute a waiver unless the defendant was physically unable to
12 attend.

13 **SECTION 329.** 967.04 (7) (a) of the statutes is renumbered 967.22 (1) and
14 amended to read:

15 967.22 (1) CIRCUMSTANCE UNDER WHICH PERMITTED. In any criminal prosecution
16 or any proceeding under ch. 48 or 938, any party may move the court to order that
17 a deposition of a child who has been or is likely to be called as a witness be taken by
18 audiovisual means. Upon notice and hearing, the court may issue an order for such
19 a deposition if the trial or hearing in which the child may be called will commence
20 before one of the following:

21 (a) ~~Prior to the~~ The child's 12th birthday; ~~or.~~

22 (b) ~~Prior to the~~ The child's 16th birthday ~~and if the court finds~~ under sub. (2)
23 that the interests of justice warrant that the child's testimony be prerecorded for use
24 at the trial or hearing ~~under par. (b).~~

1 **SECTION 330.** 967.04 (7) (b) of the statutes is renumbered 967.22 (2), and 967.22
2 (2) (intro.), (a), (c), (f), (g) and (h), as renumbered, are amended to read:

3 **967.22 (2) DETERMINING INTERESTS OF JUSTICE.** Among the factors ~~which~~ that the
4 court may consider in determining the interests of justice are any of the following:

5 (a) The child's chronological age, level of development and capacity to
6 comprehend the significance of the events about which the child will testify and to
7 verbalize about them.

8 (c) Whether the events about which the child will testify constituted criminal
9 or antisocial conduct against the child or a person with whom the child had a close
10 emotional relationship and, if the conduct constituted a battery or a sexual assault,
11 its duration and the extent of physical or emotional injury ~~thereby~~ caused by the
12 battery or sexual assault.

13 (f) The child's behavior at or reaction to previous interviews concerning the
14 events ~~involved~~ about which the child will testify.

15 (g) Whether the child blames himself or herself for the events ~~involved~~ about
16 which the child will testify or has ever been told by any person not to disclose them;
17 whether the child's prior reports to associates or authorities of the events have been
18 disbelieved or not acted upon; and the child's ~~subjective~~ belief regarding what
19 consequences to himself or herself, or persons with whom the child has a close
20 emotional relationship, will ensue from providing testimony.

21 (h) Whether the child manifests or has manifested symptoms associated with
22 posttraumatic stress disorder or other mental disorders, including, ~~without~~
23 ~~limitation,~~ reexperiencing the events, fear of their repetition, withdrawal,
24 regression, guilt, anxiety, stress, nightmares, enuresis, lack of self-esteem, mood

1 changes, compulsive behaviors, school problems, delinquent or antisocial behavior,
2 phobias, or changes in interpersonal relationships.

3 **SECTION 331.** 967.04 (8) of the statutes is renumbered 967.22 (3), and 967.22
4 (3) (a) and (b) (intro.) and 4., as renumbered, are amended to read:

5 967.22 (3) PROCEDURES. (a) If the court orders a deposition under sub. ~~(7)~~ (1),
6 the judge shall preside at the taking of the deposition and enforce compliance with
7 the applicable provisions of ss. 885.44 to 885.47. Notwithstanding s. 885.44 (5),
8 counsel may make objections and the judge shall make rulings thereon as at trial.
9 The clerk of court shall keep the certified original recording of a deposition taken
10 under sub. ~~(7)~~ (1) in a secure place. No person may inspect or copy the deposition
11 except by order of the court upon a showing that inspection or copying is required for
12 editing under s. 885.44 (12) or for the investigation, prosecution, or defense of the
13 action in which it was authorized or the provision of services to the child.

14 (b) (intro.) If the court orders that a deposition be taken by audiovisual means
15 under sub. ~~(7)~~ (1), the court shall do all of the following:

16 4. ~~Determine that the child understands that it is wrong to tell a lie and will~~
17 ~~testify truthfully if~~ If the child's developmental level or verbal skills are such that
18 administration of an oath or affirmation in the usual form would be inappropriate,
19 determine that the child understands that it is wrong to tell a lie and will testify
20 truthfully.

21 **SECTION 332.** 967.04 (9) of the statutes is renumbered 967.22 (4) and amended
22 to read:

23 967.22 (4) USE AT TRIAL, HEARING, OR OTHER PROCEEDING. In any criminal
24 prosecution or juvenile fact-finding hearing under s. 48.31 or 938.31, the court may
25 admit into evidence a recorded deposition taken under subs. ~~(7) and (8)~~ this section

1 without an additional hearing under s. 908.08. In any proceeding under s. 302.113
2 (9) (am), 302.114 (9) (am), 304.06 (3), or 973.10 (2), the hearing examiner may order
3 that a deposition be taken by audiovisual means and preside at the taking of the
4 deposition using the procedure provided in ~~subs. (7) and (8)~~ this section and may
5 admit the recorded deposition into evidence without an additional hearing under s.
6 908.08.

7 **SECTION 333.** 967.04 (10) of the statutes is renumbered 967.22 (5) and amended
8 to read:

9 967.22 (5) SUBSEQUENT TESTIMONY. If a court or hearing examiner admits a
10 recorded deposition into evidence under sub. ~~(9)~~ (4), the child may not be called as
11 a witness at the proceeding in which it was admitted unless the court or hearing
12 examiner so orders upon a showing that additional testimony by the child is required
13 in the interest of fairness for reasons neither known nor with reasonable diligence
14 discoverable at the time of the deposition by the party seeking to call the child. The
15 testimony of a child who is required to testify under this subsection may be taken in
16 accordance with s. ~~972.11 (2m)~~ 972.20, if applicable.

17 **SECTION 334.** 967.05 (title) of the statutes is renumbered 970.06 (title) and
18 amended to read:

19 **970.06 (title) Methods of commencing prosecution.**

20 **SECTION 335.** 967.05 (1) (intro.) and (a) of the statutes are consolidated,
21 renumbered 970.06 (1) and amended to read:

22 970.06 (1) A prosecution ~~may be~~ is commenced by the filing of: ~~(a) A~~ a
23 complaint;.

24 **SECTION 336.** 967.05 (1) (b) and (c) of the statutes are repealed.

25 **SECTION 337.** 967.05 (2) and (3) of the statutes are repealed.

1 **SECTION 338.** 967.055 of the statutes is renumbered 970.25, and 970.25 (2) (a)
2 and (b), as renumbered, are amended to read:

3 970.25 (2) (a) Notwithstanding s. ~~971.29~~ 970.09, if the prosecutor seeks to
4 dismiss or amend a charge under s. 346.63 (1) or (5) or a local ordinance in conformity
5 therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the
6 use of a vehicle or an improper refusal under s. 343.305, the prosecutor shall apply
7 to the court. The application shall state the reasons for the proposed amendment or
8 dismissal. The court may approve the application only if the court finds that the
9 proposed amendment or dismissal is consistent with the public's interest in deterring
10 the operation of motor vehicles by persons who are under the influence of an
11 intoxicant, a controlled substance, a controlled substance analog or any combination
12 of an intoxicant, controlled substance and controlled substance analog, under the
13 influence of any other drug to a degree which renders him or her incapable of safely
14 driving, or under the combined influence of an intoxicant and any other drug to a
15 degree which renders him or her incapable of safely driving, in deterring the
16 operation of motor vehicles by persons with a detectable amount of a restricted
17 controlled substance in his or her blood, or in deterring the operation of commercial
18 motor vehicles by persons with an alcohol concentration of 0.04 or more. The court
19 may not approve an application to amend the vehicle classification from a
20 commercial motor vehicle to a noncommercial motor vehicle unless there is evidence
21 in the record that the motor vehicle being operated by the defendant at the time of
22 his or her arrest was not a commercial motor vehicle.

23 (b) Notwithstanding s. ~~971.29~~ 970.09, if the prosecutor seeks to dismiss or
24 amend a charge under s. 30.681 (1) or a local ordinance in conformity therewith, a
25 charge under s. 30.681 (2), a charge under s. 30.684 (5) or a local ordinance in

1 conformity therewith or a charge under s. 940.09 or 940.25 if the offense involved the
2 use of a motorboat, except a sailboat operating under sail alone, the prosecutor shall
3 apply to the court. The application shall state the reasons for the proposed
4 amendment or dismissal. The court may approve the application only if the court
5 finds that the proposed amendment or dismissal is consistent with the public's
6 interest in deterring the operation of motorboats by persons who are under the
7 influence of an intoxicant, a controlled substance, a controlled substance analog or
8 any combination of an intoxicant, controlled substance and controlled substance
9 analog, under the influence of any other drug to a degree which renders him or her
10 incapable of operating a motorboat safely, or under the combined influence of an
11 intoxicant and any other drug to a degree which renders him or her incapable of
12 operating a motorboat safely.

13 **SECTION 339.** 967.057 of the statutes is renumbered 970.15 (6).

14 **SECTION 340.** 967.06 (title) of the statutes is repealed.

15 **SECTION 341.** 967.06 (1) and (2) (a) of the statutes are consolidated,
16 renumbered 971.013 and amended to read:

17 **971.013 Determination of indigency; appointment of counsel.** As soon
18 as practicable after a person has been detained or arrested in connection with any
19 offense that is punishable by incarceration, ~~or in connection with any civil~~
20 ~~commitment proceeding,~~ or in any other situation in which a person is entitled to
21 counsel regardless of ability to pay under the constitution or laws of the United
22 States or this state, the person shall be informed of his or her right to counsel. ~~(2)~~
23 ~~(a) Except as provided in par. (b), a~~ A person entitled to counsel under sub. (1) who
24 indicates at any time that he or she wants to be represented by a lawyer, and who
25 claims that he or she is not able to pay in full for a lawyer's services, shall

1 immediately be permitted to contact the authority for indigency determinations
2 specified under s. 977.07 (1). The authority for indigency determination in each
3 county shall have daily telephone access to the county jail in order to identify all
4 persons who are being held in the jail. The jail personnel shall provide by phone
5 information requested by the authority.

6 **SECTION 342.** 967.06 (2) (b) of the statutes is repealed.

7 **SECTION 343.** 967.06 (3) of the statutes is renumbered 977.072.

8 **SECTION 344.** 967.07 of the statutes is repealed.

9 **SECTION 345.** 967.08 (title) of the statutes is renumbered 967.14 (title).

10 **SECTION 346.** 967.08 (1) of the statutes is renumbered 967.14 (1) (intro.) and
11 amended to read:

12 967.14 (1) PROCEEDINGS COVERED. (intro.) Unless good cause to the contrary is
13 shown, the court may permit any of the following proceedings referred to in this
14 section may to be conducted by telephone or live audiovisual means, if available. If
15 the proceeding is required to be reported under SCR 71.01 (2), the on the request of
16 either party:

17 (5) PROCEDURES. A proceeding conducted under this section shall be reported
18 recorded by a court reporter who is in simultaneous voice communication with all
19 parties to the proceeding. Regardless of the physical location of any party to the call,
20 any plea, waiver, stipulation, motion, objection, decision, order or other action taken
21 by the court or any party shall have the same effect as if made in open court. With
22 the exceptions of scheduling conferences, pretrial conferences, and, during hours the
23 court is not in session, setting, review, modification of bail and other conditions of
24 release under ch. 969, the if it is required to be reported under SCR 71.01 (2). The
25 proceeding shall be conducted in a courtroom or other place reasonably accessible to

1 the public, with the exception of scheduling conferences, pretrial conferences, and,
2 when the court is not in session, the setting, review, or modification of the conditions
3 of release. Simultaneous access to the proceeding shall be provided to persons
4 entitled to attend by means of a loudspeaker or, upon request to the court, by making
5 a person party to the telephone call without charge.

6 **SECTION 347.** 967.08 (2) (intro.) of the statutes is renumbered 967.14 (3) and
7 amended to read:

8 967.14 (3) REQUESTS AND OBJECTIONS. ~~The court may permit the following~~
9 ~~proceedings to be conducted under sub. (1) on the request of either party. The request~~
10 ~~and the opposing party's showing of good cause for not conducting the proceeding~~ A
11 party may make a request under sub. (1) may be made by telephone. The opposing
12 party may show good cause by telephone for not conducting the proceeding under this
13 section.

14 **SECTION 348.** 967.08 (2) (a) to (c) of the statutes are renumbered 967.14 (1) (a)
15 to (c) and amended to read:

16 967.14 (1) (a) Initial appearance under s. ~~970.01~~ subch. I of ch. 971 or pretrial
17 conference.

18 (b) Waiver of ~~preliminary examination under s. 970.03,~~ a competency hearing
19 under s. 971.14 (4) or 975.34.

20 (e) Waiver of a jury trial under s. 972.02 972.005 (1).

21 (c) Motions for extension of time ~~under ss. 970.03 (2), 971.10 or other statutes.~~

22 **SECTION 349.** 967.08 (2) (d) of the statutes is repealed.

23 **SECTION 350.** 967.08 (3) (intro.) of the statutes is renumbered 967.14 (1) (f)
24 (intro.) and amended to read:

1 967.14 (1) (f) (intro.) Non-evidentiary proceedings on the following matters
2 ~~may be conducted under sub. (1) on request of either party. The request and the~~
3 ~~opposing party's showing of good cause for not conducting the proceeding under sub.~~
4 ~~(1) may be made by telephone.;~~

5 SECTION 351. 967.08 (3) (a) to (f) of the statutes are renumbered 967.14 (1) (f)
6 1. to 6. and amended to read:

7 967.14 (1) (f) 1. Setting, review, and modification of ~~bail and other~~ conditions
8 of release under ~~ch. 969.~~ s. 974.09 or

MS
108-9
→

9 2. Motions for severance under s. ~~971.12 (3)~~ 971.68 (2) or consolidation joint
10 trial of charges under s. ~~971.12 (4)~~ 971.67.

11 3. Motions for ~~testing of physical evidence under s. 971.23 (5)~~ discovery or for
12 protective orders under s. ~~971.23 (6)~~ subch. IV of ch. 971.

13 4. Motions ~~under s. 971.31~~ directed to the sufficiency of the complaint or the
14 ~~affidavits supporting~~ basis for the issuance of a warrant for arrest or search.

15 5. Motions in limine, ~~including those under s. 972.11 (2) (b).~~

16 6. Motions ~~to postpone, including those under s. 971.29~~ related to scheduling
17 under subch. III of ch. 971.

18 SECTION 352. 967.09 of the statutes is renumbered 967.14 (6), and 967.14 (6)
19 (title), as renumbered, is amended to read:

20 967.14 (6) (title) ~~INTERPRETERS MAY SERVE BY TELEPHONE OR VIDEO.~~

21 SECTION 353. 967.10 of the statutes is renumbered 967.23.

22 SECTION 354. 967.11 of the statutes ^{✓ as affected by 2013 Wisconsin Act 20,} is renumbered 970.16.

23 SECTION 355. 967.12 (3) of the statutes is created to read:

24 967.12 (3) If trial is waived, when the court accepts the defendant's plea of
25 guilty or no contest.

1 **SECTION 356.** 967.13 (1) (a) and (b) of the statutes are created to read:

2 967.13 (1) (a) The initial appearance.

3 (b) Any proceeding at which a plea is entered or withdrawn.

4 **SECTION 357.** 967.13 (1) (i) of the statutes is created to read:

5 967.13 (1) (i) Sentencing.

6 **SECTION 358.** 967.14 (1) (d) of the statutes is created to read:

7 967.14 (1) (d) Entry of a plea other than one that results in a finding of guilt.

8 **SECTION 359.** 967.14 (2) of the statutes is created to read:

9 967.14 (2) **CRITERIA FOR GOOD CAUSE.** In determining good cause under sub. (1),
10 the court may consider the criteria under s. 885.56 (1).

11 **SECTION 360.** 967.14 (4) of the statutes is created to read:

12 967.14 (4) **PLEAS OF GUILTY OR NO CONTEST AND SENTENCING.** If the district
13 attorney, the defendant, and defense counsel consent, the court may permit any of
14 the following proceedings to be conducted by telephone:

15 (a) A proceeding to accept a plea of guilty or no contest.

16 (b) A sentencing proceeding.

17 ~~**SECTION 361.** 967.20 of the statutes is created to read:~~

18 ~~**967.20 Bench warrant for witness on failure to appear.** (1) When a
19 witness fails to appear before the court as required or violates a condition of the
20 witness's release, the court may issue a bench warrant for the witness's arrest. The
21 bench warrant shall direct that the witness be brought before the court without
22 unreasonable delay. The court shall state on the record at the time of issuance of the
23 bench warrant its reason for issuing the bench warrant.~~

24 ~~(2) A court issuing a bench warrant under sub. (1) may specify monetary
25 conditions of release on the warrant.~~

1 (3) If the court does not specify monetary conditions of release on a bench
2 warrant under sub. (1), a witness arrested pursuant to the bench warrant may not
3 be released before appearing in court.

4 **SECTION 362.** 967.21 (2) (title) of the statutes is created to read:

5 967.21 (2) (title) PROCEDURE.

6 **SECTION 363.** 967.21 (3) (title) of the statutes is created to read:

7 967.21 (3) (title) APPLICABILITY OF CIVIL RULES.

8 **SECTION 364.** 967.21 (4) (title) of the statutes is created to read:

9 967.21 (4) (title) ATTENDANCE BY DEFENDANT.

10 **SECTION 365.** 967.21 (5) (title) of the statutes is created to read:

11 967.21 (5) (title) USE AT TRIAL OR HEARING.

12 **SECTION 366.** 967.21 (6) (title) of the statutes is created to read:

13 967.21 (6) (title) OBJECTIONS.

14 **SECTION 367.** 967.22 (title) of the statutes is created to read:

15 **967.22 (title) Deposition of a child by audiovisual means.**

16 **SECTION 368.** 968.01 (title) of the statutes is renumbered 970.07 (title) and
17 amended to read:

18 **970.07 (title) Complaint; contents and oath.**

19 **SECTION 369.** 968.01 (1) (intro.), (a) and (b) of the statutes are renumbered
20 970.07 (1) (intro.), (a) and (b).

21 **SECTION 370.** 968.01 (1) (c) of the statutes is repealed.

22 **SECTION 371.** 968.01 (2) of the statutes is renumbered 970.07 (2) and amended
23 to read:

24 970.07 (2) The complaint is a written statement of the shall specify the time
25 and place each crime charged was committed, the section of the statutes alleged to

1 have been violated, and the maximum penalty prescribed for each crime charged.
2 The complaint shall include a statement of the essential facts constituting the
3 offense ~~crime~~ charged. A person may make a complaint on, signed by the person on
4 whose knowledge, information, and belief the statement is based.

5 **(3)** Except as provided in sub. ~~(3)~~ (4) or (5), the complaint shall be made upon
6 oath before a district attorney ~~or judge as provided in this chapter.~~

7 **SECTION 372.** 968.01 (3) of the statutes is renumbered 970.07 (4) and amended
8 to read:

9 970.07 (4) A person may comply with sub. (2) if he or she makes the oath by
10 telephone contact with the district attorney ~~or judge~~, signs the statement, and
11 immediately thereafter transmits a ~~copy~~ facsimile of the signed statement to the
12 district attorney ~~or judge using a facsimile machine.~~ The person shall also transmit
13 the original signed statement, ~~without using a facsimile machine,~~ to the district
14 attorney ~~or judge, who shall file it with the clerk.~~ If the complaint is filed, both the
15 original and the ~~copy~~ facsimile shall be filed under s. ~~968.02 (2)~~ 970.08.

16 **SECTION 373.** 968.01 (4) of the statutes is renumbered 970.07 (5).

17 **SECTION 374.** Subchapter I (title) of chapter 968 [precedes 968.015] of the
18 statutes is created to read:

19 **CHAPTER 968**

20 **SUBCHAPTER I**

21 **INQUESTS**

22 **SECTION 375.** 968.02 (title) and (1) of the statutes are renumbered 970.08 (title)
23 and (1) and amended to read:

24 **970.08** (title) ~~Issuance and filing of complaints~~ **Filing the complaint.**

25 (1) ~~Except as otherwise provided in this section, a complaint charging a person with~~

1 ~~an offense shall be issued only by a~~ Only the district attorney of the county where
2 ~~the a crime is alleged to have been committed. A complaint is issued when it is~~
3 ~~approved for filing by the district attorney. The approval shall be in the form of a~~
4 ~~written endorsement on the complaint~~ may be tried under s. 970.14 may file a
5 complaint.

6 **SECTION 376.** 968.02 (2) of the statutes is repealed.

7 **SECTION 377.** 968.02 (3) of the statutes is repealed.

8 **SECTION 378.** 968.02 (4) of the statutes is repealed.

9 **SECTION 379.** 968.025 (title) of the statutes is created to read:

10 **968.025 (title) Inquest procedures.**

11 **SECTION 380.** 968.025 (3) of the statutes is created to read:

12 **968.025 (3) WHERE CONDUCTED.** An inquest may be held in any county in this
13 state in which venue would lie for the trial of any offense that could be charged as
14 the result of or involving the death.

15 **SECTION 381.** 968.025 (4) (title) of the statutes is created to read:

16 **968.025 (4) (title) JURY SELECTION.**

17 **SECTION 382.** 968.025 (4) (e) of the statutes is created to read:

18 **968.025 (4) (e)** The court shall select the inquest jury by lot once a panel of at
19 least 12 potential jurors has been qualified. If the inquest is likely to be protracted,
20 the judge may select also one or more alternate jurors by lot. If more than 6 jurors
21 remain after all of the evidence is presented, the court shall determine by lot which
22 jurors will not participate in deliberations and discharge them.

23 **SECTION 383.** 968.03 (title) and (3) of the statutes are repealed.

24 **SECTION 384.** 968.03 (1) of the statutes is repealed.

1 **SECTION 385.** 968.03 (2) of the statutes is renumbered 969.20 (8) and amended
2 to read:

3 **969.20 (8) WITHDRAWAL OF WARRANT OR SUMMONS AND COMPLAINT.** An unserved
4 warrant, or summons and complaint in a case in which an initial appearance has not
5 been held shall, at the request of the district attorney, be returned to the judge ~~who~~
6 ~~may dismiss the action.~~ Such court, and the court shall dismiss the action. The
7 request shall be in writing, it and shall state the reasons ~~therefor in writing and shall~~
8 ~~be filed with the clerk for which it is made.~~

9 **SECTION 386.** 968.035 (title) of the statutes is created to read:

10 **968.035 (title) Witnesses.**

11 **SECTION 387.** 968.04 (title) of the statutes is renumbered 969.20 (title) and
12 amended to read:

13 **969.20 (title) Warrant Issuance of arrest warrant or summons on**
14 **complaint.**

15 **SECTION 388.** 968.04 (1) (intro.) of the statutes is renumbered 969.20 (1) and
16 amended to read:

17 **969.20 (1) WARRANTS IN GENERAL.** ~~If it appears from the complaint, or from an~~
18 ~~affidavit or affidavits filed with the complaint or after an examination under oath of~~
19 ~~the complainant or witnesses, when the a judge determines that this is necessary,~~
20 ~~that~~ there is probable cause to believe that an offense has been committed and that
21 the accused has committed it, the judge shall issue a warrant for the arrest of the
22 defendant accused or a summons in lieu thereof. The probable cause determination
23 may be based on a criminal complaint, an affidavit filed with the criminal complaint,
24 or if the judge determines it is necessary, after an examination under oath of the
25 complainant or witness. The warrant or summons shall be delivered ~~forthwith~~ to a

1 law enforcement officer for service. If the judge does not find probable cause to
2 believe that an offense has been committed or that the accused has committed it, the
3 judge shall record that finding on the complaint, file the complaint with the clerk,
4 and dismiss the action without prejudice.

5 SECTION 389. 968.04 (1) (a) of the statutes is repealed.

6 SECTION 390. 968.04 (1) (b) of the statutes is renumbered 969.20 (4) and
7 amended to read:

8 969.20 (4) ISSUANCE BY JUDGE FROM ANOTHER COUNTY. ~~A warrant or summons~~
9 ~~may be issued by a judge in another county~~ may issue a warrant or summons when
10 there is no available judge of the county in which the complaint is issued. The
11 ~~warrant or summons~~ shall be returnable ~~before a judge to a court~~ in the county in
12 which the ~~offense alleged in the~~ complaint was committed, ~~and the summons shall~~
13 ~~be returnable before the circuit court of the county in which the offense alleged in the~~
14 ~~complaint was committed~~ issued.

15 SECTION 391. 968.04 (1) (c) of the statutes is renumbered 969.20 (5) and
16 amended to read:

17 969.20 (5) GEOGRAPHICAL LIMITS. A judge issuing an arrest warrant may specify
18 geographical limits for its enforcement ~~of a warrant.~~

19 SECTION 392. 968.04 (1) (d) of the statutes is renumbered 969.20 (3) and
20 amended to read:

21 969.20 (3) EXAMINATION BY TELEPHONE. *place* An A judge may permit an examination
22 of the complainant or witness under sub. (1) may or (2) to take place by telephone on
23 request of the person seeking the warrant or summons unless good cause to the
24 contrary appears. The judge shall place each complainant or witness under oath and
25 arrange for all sworn testimony to be recorded, either by a stenographic reporter or

1 by means of a voice recording device. The judge shall have the record transcribed.
2 The transcript, certified as accurate by the judge or reporter, as appropriate, shall
3 be filed with the court. If the testimony was recorded by means of a voice recording
4 device, the judge shall also file the original recording with the court.

5 **SECTION 393.** 968.04 (2) (title) of the statutes is repealed.

6 **SECTION 394.** 968.04 (2) (a) of the statutes is renumbered 969.20 (7) (a) and
7 amended to read:

8 969.20 (7) (a) ~~In~~ After issuing a complaint in any case, the district attorney,
9 ~~after the issuance of a complaint,~~ may issue a summons in lieu of requesting the
10 issuance of a warrant. ~~The complaint~~ district attorney shall then be filed ~~file the~~
11 complaint with the clerk.

12 **SECTION 395.** 968.04 (2) (b) of the statutes is renumbered 969.20 (7) (b).

13 **SECTION 396.** 968.04 (2) (c) of the statutes is repealed.

14 **SECTION 397.** 968.04 (3) (title) of the statutes is repealed.

15 **SECTION 398.** 968.04 (3) (a) (intro.) of the statutes is renumbered 969.21 (1)
16 (intro.) and amended to read:

17 969.21 (1) ~~WARRANT MANDATORY PROVISIONS.~~ (intro.) ~~The~~ An arrest warrant
18 shall meet all of the following requirements:

19 **SECTION 399.** 968.04 (3) (a) 1. to 6. of the statutes are renumbered 969.21 (1)
20 (a) to (f) and amended to read:

21 969.21 (1) (a) ~~Be~~ The warrant shall be in writing and signed by the judge.

22 (b) ~~State~~ The warrant shall state the name of the crime ~~the defendant allegedly~~
23 committed and the number of the statutory section charged ~~and number of the~~
24 section alleged to have been ~~that the defendant allegedly~~ violated.

25 (c) ~~Have~~ The warrant shall have attached to it a copy of the complaint.

1 (d) ~~State~~ The warrant shall state the name of the person to be arrested, if
2 known, or if not known, designate the person to be arrested by any description by
3 which the person to be arrested can be identified with reasonable certainty.

4 (e) ~~State~~ The warrant shall state the date when it was issued ~~and,~~ the name
5 of the judge who issued it ~~together with,~~ and the title of the judge's office.

6 (f) ~~Command~~ The warrant shall command that the person ~~against whom the~~
7 ~~complaint was made~~ alleged to have committed the crime in par. (b) be arrested and,
8 except as provided in s. 969.20 (4), be brought before the judge issuing the warrant,
9 or, if the judge is absent or unable to act, before some other judge in the same county.

10 **SECTION 400.** 968.04 (3) (a) 7. of the statutes is renumbered 969.26 (1) and
11 amended to read:

12 969.26 (1) ARREST WARRANT. ~~The~~ An arrest warrant shall be in substantially the
13 following form:

14 STATE OF WISCONSIN,

15 County

16 State of Wisconsin

17 vs.

18 (Defendant(s))

19 THE STATE OF WISCONSIN TO ANY LAW ENFORCEMENT OFFICER:

20 A complaint or affidavit, copy of which is attached, ~~having~~ has been filed with
21 me or testimony has been presented before me accusing the defendant(s) of
22 committing the crime of contrary to sec., Stats., and I ~~having~~ have found that
23 there is probable cause exists that the crime was committed by to believe the
24 defendant(s) committed that crime.

1 SECTION 406. 968.04 (3) (b) 3. a. of the statutes is repealed.

2 SECTION 407. 968.04 (3) (b) 3. b. (intro.) of the statutes is repealed.

3 SECTION 408. 968.04 (3) (b) 3. b. (form) of the statutes is renumbered 969.26

4 (2) (form) and amended to read:

5 969.26 (2) (form)

6 STATE OF WISCONSIN,

7 County

8 State of Wisconsin

9 vs.

10 (Defendant)

11 THE STATE OF WISCONSIN TO SAID DEFENDANT:

12 ~~A complaint, copy of which is attached, having been made before me accusing~~
13 ~~the defendant of committing the crime of contrary to sec., Stats.~~

14 You,, are, ~~therefore, summoned to~~ must appear before Branch of the
15 court Circuit Court of County at ~~the courthouse~~ in the City of to answer said
16 complaint, on, (year), at o'clock in the noon, and in case of your failure
17 to appear, (date),, at a.m./p.m. ~~If you do not appear,~~ a warrant for your arrest
18 may be issued.

19 You have been charged with committing the crime of in violation of section
20 of the Wisconsin Statutes. A copy of the complaint charging you with that crime
21 is attached.

22 Dated, (year)

23 (Signature)

24 District Attorney (Title)

25 SECTION 409. 968.04 (3) (b) 4. of the statutes is repealed.

1 **SECTION 410.** 968.04 (4) of the statutes is renumbered 969.21 (2), and 969.21
2 (2) (a) to (d), as renumbered, are amended to read:

3 969.21 (2) (a) The Unless otherwise specified under s. 969.20 (5), an arrest
4 warrant issued under this section shall be directed to all law enforcement officers of
5 the state. ~~A warrant and~~ may be served anywhere in the state.

6 (b) A warrant is served by arresting the defendant and informing the defendant
7 as soon as practicable of the nature of the crime with which ~~the defendant~~ he or she
8 is charged.

9 (c) An arrest may be made by a law enforcement officer without a warrant in
10 the law enforcement officer's possession when the law enforcement officer has
11 knowledge reasonably believes that a warrant has been issued. In such case, the
12 officer shall inform the defendant as soon as practicable of the nature of the crime
13 with which the defendant is charged.

14 (d) The law enforcement officer arresting a defendant shall endorse record
15 upon the warrant the time and place of the arrest ~~and the law enforcement officer's~~
16 ~~fees and mileage therefor.~~

17 **SECTION 411.** 968.05 of the statutes is renumbered 969.23, and 969.23 (1) and
18 (2), as renumbered, are amended to read:

19 969.23 (1) When a corporation or limited liability company is charged with ~~the~~
20 ~~commission of~~ committing a criminal offense, the judge or district attorney shall
21 issue a summons setting forth the nature of the offense and commanding the
22 corporation or limited liability company to appear before a court at a specific time
23 and place. The corporation or limited liability company shall appear by a corporate
24 officer or an authorized agent other than defense counsel.

1 (2) The summons for the appearance of a corporation or limited liability
2 company may be served ~~as provided for service of a summons in the same way that~~
3 a summons is served upon a corporation or limited liability company in a civil action
4 under s. 801.11 (5). The summons ~~shall be returnable not less than~~ may not be
5 returnable until at least 10 days after service.

6 **SECTION 412.** 968.06 of the statutes is repealed.

7 **SECTION 413.** 968.07 of the statutes is renumbered 969.16, and 969.16 (1) to
8 (3), as renumbered, are amended to read:

9 969.16 (1) ~~A~~ Except as provided in sub. (3), a law enforcement officer may
10 arrest a person when:

11 (a) The law enforcement officer has a warrant commanding that such person
12 be arrested; ~~or,~~

13 (b) The law enforcement officer reasonably believes, ~~on reasonable grounds,~~
14 that a warrant for the person's arrest has been issued in this state; ~~or,~~

15 (c) The law enforcement officer reasonably believes, ~~on reasonable grounds,~~
16 that a felony warrant for the person's arrest has been issued in another state; ~~or,~~

17 (d) ~~There are reasonable grounds~~ The law enforcement officer has probable
18 cause to believe that the person is committing or has committed a crime.

19 **(1m)** Notwithstanding sub. (1), a law enforcement officer shall arrest a person
20 when required to do so under s. 813.12 (7), 813.122 (10), 813.125 (6), 813.128 (1) (b),
21 or ~~968.075 (2) (a)~~ 969.27 (2) (a) or (5) (e).

22 **(2)** A law enforcement officer making a lawful arrest may command the aid of
23 any person, and such person shall have the same power as ~~that of the law~~
24 enforcement officer.

1 (3) ~~If the alleged violator under~~ No law enforcement officer may arrest a person
2 alleged to have violated s. 948.55 (2) or 948.60 (2) (c) until at least 7 days after the
3 date of the shooting, if the person is or was the parent or guardian of a child who is
4 injured or dies as a result of ~~an accidental~~ the shooting, ~~no law enforcement officer~~
5 ~~may arrest the alleged violator until at least 7 days after the date of the shooting.~~

6 **SECTION 414.** 968.073 of the statutes is renumbered 969.165, and 969.165 (2),
7 as renumbered, is amended to read:

8 969.165 (2) It is the policy of this state to make an audio or audio and visual
9 recording of a custodial interrogation of a person suspected of committing a felony
10 unless a condition under s. ~~972.115 (2)~~ 972.18 (3) (a) 1. to 6. applies or good cause is
11 shown for not making an audio or audio and visual recording of the interrogation.

12 **SECTION 415.** 968.075 (title) of the statutes is renumbered 969.27 (title).

13 **SECTION 416.** 968.075 (1) of the statutes is renumbered 969.27 (1).

14 **SECTION 417.** 968.075 (2) (a) of the statutes is renumbered 969.27 (2) (a), and
15 969.27 (2) (a) (intro.), as renumbered, is amended to read:

16 969.27 (2) (a) (intro.) Notwithstanding s. ~~968.07 (1)~~ 969.16 (1) and except as
17 provided in pars. (am) and (b), a law enforcement officer shall arrest and take a
18 person into custody if:

19 **SECTION 418.** 968.075 (2) (am) of the statutes is renumbered 969.27 (2) (am)
20 and amended to read:

21 969.27 (2) (am) Notwithstanding s. ~~968.07 (1)~~ 969.16 (1), unless the person's
22 arrest is required under s. 813.12 (7), 813.122 (10), 813.125 (6), or 813.128 (1) (b) or
23 sub. (5) (e), if a law enforcement officer identifies the predominant aggressor, it is
24 generally not appropriate for a law enforcement officer to arrest anyone under par.
25 (a) other than the predominant aggressor.

1 **SECTION 419.** 968.075 (2) (ar) of the statutes is renumbered 969.27 (2) (ar).

2 **SECTION 420.** 968.075 (2) (b) of the statutes is renumbered 969.27 (2) (b).

3 **SECTION 421.** 968.075 (2m) of the statutes is renumbered 969.27 (2m) and
4 amended to read:

5 **969.27 (2m) IMMEDIATE RELEASE PROHIBITED.** Unless s. ~~968.08~~ 969.17 applies,
6 a law enforcement officer may not release a person whose arrest was required under
7 sub. (2) until the person ~~posts bail~~ remits a cash deposit under s. ~~969.07~~ 969.36 or
8 appears before a judge under s. ~~970.01 (1)~~ subch. I of ch. 971.

9 **SECTION 422.** 968.075 (3) of the statutes is renumbered 969.27 (3).

10 **SECTION 423.** 968.075 (4) of the statutes is renumbered 969.27 (4).

11 **SECTION 424.** 968.075 (5) of the statutes is renumbered 969.27 (5), and 969.27
12 (5) (e), as renumbered, is amended to read:

13 **969.27 (5) (e)** Notwithstanding s. ~~968.07 (1)~~ 969.16 (1), a law enforcement
14 officer shall arrest and take a person into custody if the officer has reasonable
15 grounds to believe that the person has violated par. (a).

16 **SECTION 425.** 968.075 (6) to (9) of the statutes are renumbered 969.27 (6) to (9).

17 **SECTION 426.** 968.08 of the statutes is renumbered 969.17 and amended to
18 read:

19 **969.17 Release by law enforcement officer of arrested person.** ~~A~~ Except
20 as provided in s. 969.27 (5) (b) 1., a law enforcement officer having custody of a person
21 arrested without a warrant may release the person arrested with or without
22 requiring the person to appear before a judge ~~if the law enforcement officer is~~
23 ~~satisfied that there are insufficient grounds for the issuance of a criminal complaint~~
24 ~~against the person arrested~~ or the district attorney.

1 **SECTION 427.** 968.085 (title) of the statutes is renumbered 969.24 (title) and
2 amended to read:

3 **969.24** (title) ~~Citation; nature; issuance; release of accused for~~
4 ~~misdemeanor.~~

5 **SECTION 428.** 968.085 (1) of the statutes is renumbered 969.24 (1) and amended
6 to read:

7 **969.24 (1) NATURE.** A citation under this section is a directive, issued by a law
8 enforcement officer, that a person appear in court ~~and answer criminal charges. A~~
9 ~~citation is not~~ or the district attorney's office. The citation may be used as a criminal
10 ~~complaint and may not be used as a substitute for a criminal complaint if endorsed~~
11 ~~by the district attorney as provided in sub. (5).~~

12 **SECTION 429.** 968.085 (2) (intro.) of the statutes is renumbered 969.24 (2) and
13 amended to read:

14 **969.24 (2) AUTHORITY TO ISSUE; EFFECT.** ~~Except as provided in sub. (8), a~~ A law
15 enforcement officer may issue a citation to any person whom he or she has ~~reasonable~~
16 ~~grounds probable cause~~ to believe has committed a misdemeanor. A citation may be
17 issued in the field ~~or at the headquarters or precinct station of the officer instead of~~
18 ~~or subsequent to~~ at any time after a lawful arrest. ~~If a citation is issued, the person~~
19 ~~cited shall be released on his or her own recognizance. In determining whether to~~
20 ~~issue a citation, the law enforcement officer may consider whether:~~

21 **SECTION 430.** 968.085 (2) (a) to (f) of the statutes are repealed.

22 **SECTION 431.** 968.085 (3) (intro.) of the statutes is renumbered 969.24 (3)
23 (intro.).

24 **SECTION 432.** 968.085 (3) (a) of the statutes is renumbered 969.24 (3) (a) and
25 amended to read:

1 969.24 (3) (a) ~~Identify the offense and section which~~ State essential facts
2 constituting the crime the person is alleged to have allegedly committed and the
3 statutory section that the person allegedly violated, including the date, and if
4 material, identify the property and other persons involved of the offense and the
5 maximum penalty for the offense.

6 **SECTION 433.** 968.085 (3) (b) of the statutes is renumbered 969.24 (3) (b) and
7 amended to read:

8 969.24 (3) (b) ~~Contain~~ State the name and address of the person cited, or other
9 identification if ~~that~~ the person's name or address cannot be ascertained.

10 **SECTION 434.** 968.085 (3) (c) of the statutes is renumbered 969.24 (3) (c).

11 **SECTION 435.** 968.085 (3) (d) of the statutes is renumbered 969.24 (3) (d) and
12 amended to read:

13 969.24 (3) (d) Direct the person cited to appear ~~for his or her initial appearance~~
14 ~~in a designated court, at a designated~~ at a specified location and at a specified time
15 and date.

16 **SECTION 436.** 968.085 (4) of the statutes is renumbered 969.24 (4) and amended
17 to read:

18 969.24 (4) SERVICE. ~~A~~ The officer issuing the citation shall give a copy of the
19 ~~citation shall be delivered to the person cited, and file the original must be filed with~~
20 the district attorney.

21 **SECTION 437.** 968.085 (5) of the statutes is renumbered 969.24 (5) and amended
22 to read:

23 969.24 (5) REVIEW BY DISTRICT ATTORNEY. The district attorney shall review the
24 citation and may issue a complaint by endorsing the citation with his or her signature
25 or issue a separate complaint charging the cited person. If the district attorney

1 reviews the case before the return date and declines to prosecute, he or she shall
2 notify the law enforcement agency ~~which~~ that issued the citation. The law
3 enforcement agency shall attempt to notify the person cited that he or she will not
4 be charged and is not required to appear as directed in the citation.

5 SECTION 438. 968.085 (6) of the statutes is renumbered 969.24 (6).

6 SECTION 439. 968.085 (7) of the statutes is renumbered 969.24 (7) and amended
7 to read:

8 969.24 (7) ~~PREPARATION OF FORM~~. The ~~judicial conference shall prescribe the~~
9 ~~form and content of the citation under s. 758.171~~ shall be in substantially the same
10 form set forth in s. 969.26 (3).

11 SECTION 440. 968.085 (8) of the statutes is renumbered 969.24 (8) and amended
12 to read:

13 969.24 (8) ~~INAPPLICABILITY TO CERTAIN DOMESTIC ABUSE CASES~~. A law enforcement
14 officer may not issue a citation to a person for an offense if the officer is required to
15 arrest the person for that offense under s. ~~968.075~~ 969.27 (2).

16 SECTION 441. 968.09 (title) of the statutes is renumbered 969.50 (title) and
17 amended to read:

18 **969.50 (title) ~~Warrant~~ Bench warrant for defendant on failure to**
19 **appear.**

or witness ← B

20 SECTION 442. 968.09 (1) of the statutes is renumbered 969.50 (1) and amended
21 to read:

22 969.50 (1) When a defendant ~~or a witness~~ fails to appear before the court as
23 required, or violates a ~~term of the defendant's or witness's bond or the defendant's~~
24 ~~or witness's probation, if any,~~ condition of release, the court may issue a bench
25 warrant for the defendant's ~~or witness's~~ arrest which shall direct that the defendant

plain

plain

plain

plain

1 **or witness** be brought before the court without unreasonable delay. The court shall
2 state on the record at the time of issuance of the bench warrant the reason therefor.

****NOTE: We did not change proposed s. 969.50 to provide bench warrants for witnesses because, without more review, we thought such changes would be redundant given s. 967.20 and the matter does not seem to fit in chapter 969 which is titled "Securing a Defendant's Appearance; Release." Could you review both the changes proposed in your memo and s. 967.20 (Section 361) and then advise us what you would like?

INS
126-4

3 SECTION 443. 968.09 (2) of the statutes is repealed.

4 SECTION 444. 968.10 of the statutes is renumbered 968.455, and 968.455
5 (intro.), (1), (2), (3), (4) and (5), as renumbered, are amended to read:

6 **968.455 Searches and seizures; when authorized.** (intro.) A search of a
7 person, object, or place may be made and things may be seized when the search is
8 made under any of the following circumstances:

- 9 (1) Incident to a lawful arrest;
- 10 (2) With consent;
- 11 (3) Pursuant to a valid search warrant;
- 12 (4) With the authority and within the scope of a right of lawful inspection;
- 13 (5) Pursuant to a search during an authorized temporary questioning as
14 provided in s. ~~968.25~~; or 968.565.

15 SECTION 445. Subchapter II (title) of chapter 968 [precedes 968.105] of the
16 statutes is created to read:

17 **CHAPTER 968**

18 **SUBCHAPTER II**

19 **JOHN DOE PROCEEDINGS**

20 SECTION 446. 968.11 of the statutes is renumbered 968.575 and amended to
21 read:

1 **968.575 Scope of search incident to lawful arrest.** When a lawful arrest
2 is made, a law enforcement officer may reasonably search the person arrested and
3 an area within such person's immediate presence for any of the purpose of following
4 purposes:

5 (1) Protecting the officer from attack;.

6 (2) Preventing the person from escaping;.

7 (3) Discovering and seizing the fruits of the crime; or other offense.

8 (4) Discovering and seizing any instruments, articles, or things which may
9 have been used in the commission of, or which may constitute evidence of, the
10 offense.

11 **SECTION 447.** 968.12 (title) of the statutes is renumbered 968.465 (title) and
12 amended to read:

13 **968.465 (title) Search Application for and issuance of search warrant.**

14 **SECTION 448.** 968.12 (1) of the statutes is renumbered 968.465 (1) and amended
15 to read:

16 968.465 (1) DESCRIPTION AND ISSUANCE. A search warrant is an order signed by
17 a judge directing a law enforcement officer to conduct a search of a designated person,
18 a designated object, or a designated place for the purpose of seizing designated
19 property or kinds of property. A judge shall issue a search warrant if probable cause
20 is shown.

****NOTE: "Property or kinds of property" does not seem to include "people" if they
are to be seized per the search warrant. I'm not sure if "things" did either, but should a
broader term be used here?

21 **SECTION 449.** 968.12 (2) and (3) (a) and (d) of the statutes are consolidated,
22 renumbered 968.465 (2) and amended to read:

1 968.465 (2) ~~WARRANT UPON AFFIDAVIT~~ PROCEDURE GENERALLY. ~~A search warrant~~
2 ~~may be based upon sworn complaint or~~ Probable cause may be shown by an affidavit,
3 ~~or by oral testimony, or by a combination of an affidavit and oral testimony. The~~
4 affidavit or testimony shall be sworn to or affirmed and may be upon information and
5 belief. Oral testimony shall be recorded by a phonographic stenographic reporter or
6 ~~under sub. (3) (d), showing probable cause therefor. The complaint, affidavit or~~
7 ~~testimony may be upon information and belief. (3) (a) General rule. A search~~
8 ~~warrant may be based upon sworn oral testimony~~ voice recording device and may be
9 communicated to the judge in person or by telephone, radio, or other reliable means
10 of electronic communication, under the procedure prescribed in this subsection. (d)
11 Recording and certification of testimony. ~~When a caller informs the judge that the~~
12 ~~purpose of the call is to request a warrant, the judge shall place under oath each~~
13 ~~person whose testimony forms a basis of the application and each person applying~~
14 ~~for the warrant. The judge or requesting person shall arrange for all sworn~~
15 ~~testimony to be recorded either by a stenographic reporter or by means of a voice~~
16 ~~recording device. The judge shall have the record transcribed. The.~~ A transcript of
17 the testimony, certified as accurate by the judge or reporter, as appropriate, shall be
18 ~~filed with the court. If the testimony was recorded by means of a voice recording~~
19 ~~device, the judge shall also file~~ and the original recording of any testimony recorded
20 by a voice recording device shall be filed with the court.

21 **SECTION 450.** 968.12 (3) (title) of the statutes is renumbered 968.465 (3) (title)
22 and amended to read:

23 968.465 (3) (title) ~~WARRANT UPON ORAL~~ TELEPHONE AND OTHER REMOTE TESTIMONY;
24 DUPLICATE WARRANT PROCEDURE.

1 **SECTION 451.** 968.12 (3) (b) of the statutes is renumbered 968.465 (3) (a) and
2 amended to read:

3 968.465 (3) (a) *Application.* ~~The person who is requesting the warrant~~ When
4 the applicant for a search warrant is testifying outside the presence of the judge, the
5 judge shall place the applicant under oath or affirmation and arrange for all
6 testimony to be recorded. The applicant shall prepare a duplicate original warrant
7 and read the duplicate ~~original~~ warrant, verbatim, to the judge. The judge shall
8 enter, verbatim, what is read on the ~~original~~ warrant. ~~The~~ Thereafter, but before
9 signing the original warrant, the judge may direct that the warrant be modified.

10 **SECTION 452.** 968.12 (3) (c) and (f) of the statutes are consolidated, renumbered
11 968.465 (3) (b) and amended to read:

12 968.465 (3) (b) *Issuance.* If the judge determines that there is probable cause
13 for the warrant, the judge shall ~~order the issuance of a~~ issue the warrant by ~~directing~~
14 ~~the person requesting the warrant to sign the judge's name on the duplicate original~~
15 ~~warrant. In addition, the person shall sign his or her own name on the duplicate~~
16 ~~original warrant. The judge shall immediately sign~~ signing the original warrant and
17 enter on the face of the original warrant the exact time when the warrant was
18 ~~ordered to be issued. The finding of probable cause for a warrant upon oral testimony~~
19 ~~shall be based on the same kind of evidence as is sufficient for a warrant upon~~
20 ~~affidavit.~~ (f) *Entry of time of execution.* The judge shall direct the applicant to sign
21 the judge's name on the duplicate warrant. In addition the applicant shall sign his
22 or her own name on the duplicate warrant. The person who executes the warrant
23 shall enter the exact time of execution on the face of the duplicate ~~original~~ warrant.

24 **SECTION 453.** 968.12 (3) (e) of the statutes is repealed.

25 **SECTION 454.** 968.12 (4) of the statutes is renumbered 968.465 (7).

1 **SECTION 455.** 968.13 (title) of the statutes is renumbered 968.475 (title) and
2 amended to read:

3 **968.475 (title) ~~Search warrant; property~~ Property subject to seizure.**

4 **SECTION 456.** 968.13 (1) (intro.) of the statutes is renumbered 968.475 (2)
5 (intro.) and amended to read:

6 968.475 (2) (intro.) A search warrant may authorize the seizure of any of the
7 following:

8 **SECTION 457.** 968.13 (1) (a) of the statutes is renumbered 968.475 (1) (a) and
9 amended to read:

10 968.475 (1) (a) “Contraband, which” includes ~~without limitation because of~~
11 ~~enumeration, but is not limited to,~~ lottery tickets, gambling machines, or other
12 gambling devices; lewd, obscene, or indecent written matter, pictures, sound
13 recordings, or motion picture films; forged money or written instruments and the
14 tools, dies, machines, or materials for making them; and controlled substances, as
15 defined in s. 961.01 (4), and controlled substance analogs, as defined in s. 961.01
16 (4m), and the implements for smoking or injecting them. ~~Gambling~~ “Contraband”
17 does not include machines or other gambling devices possessed by a shipbuilding
18 business that complies with s. 945.095 ~~are not subject to this section.~~

19 **SECTION 458.** 968.13 (1) (b), (c) and (d) of the statutes are renumbered 968.475
20 (2) (b), (c) and (d).

21 **SECTION 459.** 968.13 (2) of the statutes is renumbered 968.475 (1) (intro.) and
22 amended to read:

23 968.475 (1) (intro.) In this section, ~~“documents”~~:

24 (b) “Documents” includes, but is not limited to, books, papers, records,
25 recordings, tapes, photographs, films, or computer or electronic data.