

1 **SECTION 460.** 968.135 (title) of the statutes is renumbered 968.705 (title).

2 **SECTION 461.** 968.135 of the statutes is renumbered 968.705 (2) and amended
3 to read:

4 968.705 (2) Upon the request of the attorney general or a district attorney and
5 upon a showing of probable cause under s. ~~968.12~~ 968.465, a court shall issue a
6 subpoena requiring the production of documents, ~~as specified in s. 968.13 (2)~~. The
7 documents shall be returnable to the court which issued the subpoena. ~~Motions to~~
8 ~~the court, including, but not limited to, motions or to the officer serving the subpoena~~
9 when the subpoena directs. Any person filing a motion regarding a subpoena issued
10 under this subsection, including a motion to quash or limit the subpoena, shall be
11 ~~addressed to~~ file it with the court which issued the subpoena. Any person who
12 unlawfully refuses to produce the documents under this subsection may be
13 compelled to do so as ~~provided in~~ under ch. 785. This section does not limit or affect
14 any other subpoena authority provided by law.

15 **SECTION 462.** 968.14 of the statutes is renumbered 968.485 (2) and amended
16 to read:

17 968.485 (2) USE OF FORCE. All necessary force may be used to execute a search
18 warrant or to ~~effect any entry into~~ enter any building or property or part thereof to
19 execute a search warrant.

20 **SECTION 463.** 968.15 of the statutes is renumbered 968.495, and 968.495 (1),
21 as renumbered, is amended to read:

22 968.495 (1) A search warrant ~~must~~ may not be executed ~~and returned not more~~
23 than 5 days after the date of issuance.

24 **SECTION 464.** Subchapter III (title) of chapter 968 [precedes 968.155] of the
25 statutes is created to read:

1 **CHAPTER 968**

2 **SUBCHAPTER III**

3 **GRAND JURIES**

4 **SECTION 465.** 968.16 of the statutes is renumbered 968.485 (3) and amended
5 to read:

6 968.485 (3) ~~DETENTION AND SEARCH OF PERSONS ON PREMISES PRESENT. The person~~
7 While executing the search warrant, a law enforcement officer may reasonably
8 detain any occupant of the premises and may reasonably detain and search any
9 person on the premises ~~at the time to protect himself or herself~~ the law enforcement
10 officer from attack or to prevent the disposal or concealment of any item particularly
11 described in the search warrant.

12 **SECTION 466.** 968.17 of the statutes is renumbered 968.506 and 968.506 (1),
13 as renumbered, is amended to read:

14 968.506 (1) ~~The return of the search warrant shall be made, with a written~~
15 inventory of any person or property seized, within 48 hours after execution to the
16 clerk designated in the warrant. ~~The return shall be accompanied by a written~~
17 inventory of any property taken. Upon request, the clerk shall deliver a copy of the
18 inventory to the person from whom or from whose premises the property was taken
19 and to the applicant for the search warrant if either requests it.

***NOTE: Please review this text.

20 **SECTION 467.** 968.18 of the statutes is renumbered 968.605.

21 **SECTION 468.** 968.19 of the statutes is renumbered 968.615 and amended to
22 read:

23 **968.615 Custody of property seized.** Property A law enforcement officer
24 shall safely keep property seized under a search warrant or validly seized without

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1 a warrant ~~shall be safely kept by the officer, who~~ and may leave it in the custody of
2 the sheriff and take a receipt ~~therefor, for it.~~ The property shall be kept so long as
3 necessary for the purpose of being produced as evidence on any trial.

4 **SECTION 469.** 968.20 (title) of the statutes is renumbered 968.625 (title).

5 **SECTION 470.** 968.20 (1) of the statutes is renumbered 968.625 (1), and 968.625
6 (1) (intro.) and (a), as renumbered, are amended to read:

7 968.625 (1) (intro.) Any person claiming the right to possession of property
8 seized pursuant to a search warrant or seized without a search warrant may apply
9 for its return to the ~~circuit~~ court for the county in which the property was seized or
10 where the search warrant was returned. The court shall order such notice as it
11 deems adequate to be given the district attorney and all persons who have or may
12 have an interest in the property and shall hold a hearing to hear all claims to its true
13 ownership. If the right to possession is proved to the court's satisfaction, it shall
14 order the property, other than contraband or property covered under sub. (1m) or (1r)
15 or s. 173.12 (1m), 173.21 (4) (1), or ~~968.205~~ 968.645, returned if any of the following
16 applies:

17 (a) The property is not needed as evidence or, if needed, satisfactory
18 arrangements can be made for its return for subsequent use as evidence; ~~or.~~

19 **SECTION 471.** 968.20 (1m) of the statutes is renumbered 968.625 (1m), and
20 968.625 (1m) (b), as renumbered, is amended to read:

21 968.625 (1m) (b) If the seized property is a dangerous weapon or ammunition,
22 the property shall not be returned to any person who committed a crime involving
23 the use of the dangerous weapon or the ammunition. The property may be returned
24 to the rightful owner under this section if the owner had no prior knowledge of and
25 gave no consent to the commission of the crime. Property which may not be returned

1 to an owner under this subsection shall be disposed of under ~~subs. (3) and (4) s.~~
2 175.27.

3 **SECTION 472.** 968.20 (1r) of the statutes is renumbered 968.625 (1r).

4 **SECTION 473.** 968.20 (2) of the statutes is renumbered 968.625 (2) and amended
5 to read:

6 .968.625 (2) Property not required for evidence or use in further investigation,
7 unless contraband or property covered under sub. (1m) or (1r) or s. 173.12 (1m),
8 173.21 (1), or ~~968.205~~ 968.645, may be returned by the officer to the person from
9 whom it was seized without the requirement of a hearing.

10 **SECTION 474.** 968.20 (3) and (4) of the statutes are renumbered 175.27 (1) and
11 (2) and amended to read:

12 175.27 (1) (a) ~~First~~ Unless the dangerous weapons or ammunition may be
13 returned to the owner under s. 968.625 (1m) (b), first class cities shall dispose of
14 dangerous weapons or ammunition seized 12 months after taking possession of them
15 if the owner, authorized under sub. (1m), has not requested their return and if the
16 dangerous weapon or ammunition is not required for evidence or use in further
17 investigation and has not been disposed of pursuant to a court order at the
18 completion of a criminal action or proceeding. Disposition procedures shall be
19 established by ordinance or resolution and may include provisions authorizing an
20 attempt to return to the rightful owner any dangerous weapons or ammunition
21 which appear to be stolen or are reported stolen. If enacted, any such provision shall
22 include a presumption that, if the dangerous weapons or ammunition appear to be
23 or are reported stolen, an attempt will be made to return the dangerous weapons or
24 ammunition to the authorized rightful owner. If the return of a seized dangerous
25 weapon other than a firearm is not requested by its rightful owner under sub. s.

1 968.625 (1) and is not returned by the officer under ~~sub. s. 968.625~~ (2), the city shall
2 safely dispose of the dangerous weapon or, if the dangerous weapon is a motor
3 vehicle, as defined in s. 340.01 (35), sell the motor vehicle following the procedure
4 under s. 973.075 (4) or authorize a law enforcement agency to retain and use the
5 motor vehicle. If the return of a seized firearm or ammunition is not requested by
6 its authorized rightful owner under ~~sub. s. 968.625~~ (1) and is not returned by the
7 officer under ~~sub. s. 968.625~~ (2), the seized firearm or ammunition shall be shipped
8 to and become property of the state crime laboratories. A person designated by the
9 department of justice may destroy any material for which the laboratory has no use
10 or arrange for the exchange of material with other public agencies. In lieu of
11 destruction, shoulder weapons for which the laboratories have no use shall be turned
12 over to the department of natural resources for sale and distribution of proceeds
13 under s. 29.934 or for use under s. 29.938.

14 (b) Except as provided in par. (a) ~~or, sub. (1m) (2), or (4) s. 968.625 (1m)~~, a city,
15 village, town, or county or other custodian of a seized dangerous weapon or
16 ammunition, if the dangerous weapon or ammunition is not required for evidence or
17 use in further investigation and has not been disposed of pursuant to a court order
18 at the completion of a criminal action or proceeding, shall make reasonable efforts
19 to notify all persons who have or may have an authorized rightful interest in the
20 dangerous weapon or ammunition of the application requirements under ~~sub. s.~~
21 968.625 (1). If, within 30 days after the notice, an application under ~~sub. s. 968.625~~
22 (1) is not made and the seized dangerous weapon or ammunition is not returned by
23 the officer under ~~sub. s. 968.625~~ (2), the city, village, town, or county or other
24 custodian may retain the dangerous weapon or ammunition and authorize its use by
25 a law enforcement agency, except that a dangerous weapon used in the commission

1 of a homicide or a handgun, as defined in s. 175.35 (1) (b), may not be retained. If
2 a dangerous weapon other than a firearm is not so retained, the city, village, town,
3 or county or other custodian shall safely dispose of the dangerous weapon or, if the
4 dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell the motor
5 vehicle following the procedure under s. 973.075 (4). If a firearm or ammunition is
6 not so retained, the city, village, town, or county or other custodian shall ship it to
7 the state crime laboratories and it is then the property of the laboratories. A person
8 designated by the department of justice may destroy any material for which the
9 laboratories have no use or arrange for the exchange of material with other public
10 agencies. In lieu of destruction, shoulder weapons for which the laboratory has no
11 use shall be turned over to the department of natural resources for sale and
12 distribution of proceeds under s. 29.934 or for use under s. 29.938.

13 (2) Any property seized, other than property covered under s. ~~968.205~~ 968.645,
14 that poses a danger to life or other property in storage, transportation, or use and
15 that is not required for evidence or further investigation shall be safely disposed of
16 upon command of the person in whose custody they are committed. The city, village,
17 town, or county shall by ordinance or resolution establish disposal procedures.
18 Procedures may include provisions authorizing an attempt to return to the rightful
19 owner substances which have a commercial value in normal business usage and do
20 not pose an immediate threat to life or property. If enacted, any such provision shall
21 include a presumption that if the substance appears to be or is reported stolen an
22 attempt will be made to return the substance to the rightful owner.

23 **SECTION 475.** 968.205 of the statutes is renumbered 968.645, and 968.645 (1)
24 (a) and (b), (2), (2m), (3), (4) and (5), as renumbered, are amended to read:

1 968.645 (1) (a) “Custody” means actual custody of a person under a sentence
2 of imprisonment, custody of a probationer, parolee, or person on extended
3 supervision by the department of corrections, actual or constructive custody of a
4 person pursuant to a dispositional order under ch. 938, supervision of a person,
5 whether in institutional care or on conditional release, pursuant to a commitment
6 order under ~~s. 971.17~~ subch. III of ch. 975, and supervision of a person under ch. 980,
7 whether in detention before trial or while in institutional care or on supervised
8 release pursuant to a commitment order.

9 (b) “Discharge date” means the date on which a person is released or discharged
10 from custody that resulted from a criminal action, a delinquency proceeding under
11 ch. 938, or a commitment proceeding under ~~s. 971.17~~ subch. III of ch. 975 or ch. 980
12 or, if the person is serving consecutive sentences of imprisonment, the date on which
13 the person is released or discharged from custody under all of the sentences.

14 (2) Except as provided in sub. (3), if ~~physical evidence that is in the possession~~
15 of a law enforcement agency ~~includes~~ possesses any biological material that was
16 collected in connection with a criminal investigation that resulted in a criminal
17 conviction, delinquency adjudication, or commitment under ~~s. 971.17~~ subch. III of ch.
18 975 or s. 980.06 and ~~the biological material is from a victim of the offense that was~~
19 ~~the subject of the criminal investigation or may reasonably be used to incriminate~~
20 ~~or exculpate any person for the offense~~, the law enforcement agency shall preserve
21 the ~~physical evidence~~ biological material until every person in custody as a result of
22 the conviction, adjudication, or commitment has reached his or her discharge date.

23 (2m) A law enforcement agency shall retain evidence biological material to
24 which sub. (2) applies in an amount and manner sufficient to develop a

1 deoxyribonucleic acid profile, as defined in s. 939.74 (2d) (a), from ~~the biological~~
2 ~~material contained in or included on the evidence~~ it.

3 (3) Subject to sub. (5), a law enforcement agency may destroy ~~evidence that~~
4 ~~includes biological material~~ before the expiration of the time period specified in sub.
5 (2) if all of the following apply:

6 (a) The law enforcement agency sends a notice of its intent to destroy the
7 ~~evidence~~ biological material to all persons who remain in custody as a result of the
8 criminal conviction, delinquency adjudication, or commitment, and to either the
9 attorney of record for each person in custody or the state public defender.

10 (b) No person who is notified under par. (a) does either of the following within
11 90 days after the date on which the person ~~received~~ receives the notice:

12 1. Files a motion for testing of the ~~evidence~~ biological material under s. 974.07
13 (2).

14 2. Submits a written request ~~for retention of the evidence to preserve the~~
15 biological material to the law enforcement agency or district attorney.

16 (c) No other provision of federal or state law requires the law enforcement
17 agency to ~~retain the evidence~~ preserve the biological material.

18 (4) A notice provided under sub. (3) (a) shall clearly inform the recipient that
19 the ~~evidence~~ biological material will be destroyed unless, within 90 days after the
20 date on which the person receives the notice, either a motion for testing of the
21 ~~evidence~~ biological material is filed under s. 974.07 (2) or a written request ~~for~~
22 ~~retention of the evidence to preserve the biological material~~ is submitted to the law
23 enforcement agency.

24 (5) If, after providing notice under sub. (3) (a) of its intent to destroy ~~evidence~~
25 biological material, a law enforcement agency receives a written request ~~for~~

1 ~~retention of the evidence to preserve the biological material~~, the law enforcement
2 agency shall ~~retain the evidence~~ preserve the biological material until the discharge
3 date of the person who made the request or on whose behalf the request was made,
4 subject to a court order issued under s. 974.07 (7), (9) (a), or (10) (a) 5., unless the court
5 orders destruction or transfer of the ~~evidence~~ biological material under s. 974.07 (9)
6 (b) or (10) (a) 5.

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SECTION 476. 968.21 of the statutes is renumbered 968.465 (4) and amended
8 to read:

9 968.465 (4) SEARCH WARRANT; SECRECY. A ~~person issuing or acting on a search~~
10 warrant shall ~~be issued~~ do so with all ~~practicable~~ secrecy, and the ~~complaint~~, affidavit
11 or testimony upon which it is based shall not be filed with the clerk or made public
12 in any way until the search warrant is executed.

***NOTE: Should s. 968.375 (12) be amended so that the text mirrors this statute
as amended?

13 **SECTION 477.** 968.22 of the statutes is renumbered 968.515.

14 **SECTION 478.** 968.23 of the statutes is renumbered 968.525.

15 **SECTION 479.** 968.24 of the statutes is renumbered 968.555.

16 **SECTION 480.** 968.25 of the statutes is renumbered 968.565 and amended to
17 read:

18 **968.565 Search during temporary questioning.** When a law enforcement
19 officer has stopped a person for temporary questioning pursuant to under s. 968.24
20 968.555 and reasonably suspects that ~~he or she~~ the law enforcement officer or
21 another individual is in danger of physical injury, the law enforcement officer may
22 search ~~such~~ the person for weapons or any instrument ~~or~~, article, or substance
23 readily capable of causing physical injury and of a sort not ordinarily carried in public

1 places by law abiding persons. If the law enforcement officer finds such a weapon
2 or instrument, or any other property possession of which the law enforcement officer
3 reasonably believes may constitute the commission of a crime, or which may
4 constitute a threat to ~~his or her~~ the safety of the law enforcement officer, the law
5 enforcement officer may take it and keep it until the completion of the questioning,
6 at which time the law enforcement officer shall either return it, if lawfully possessed,
7 or arrest the person so questioned.

8 **SECTION 481.** 968.255 (title) of the statutes is renumbered 968.585 (title).

9 **SECTION 482.** 968.255 (1) of the statutes is renumbered 968.585 (1), and
10 968.585 (1) (a) 3. and 4. and (b), as renumbered, are amended to read:

11 968.585 (1) (a) 3. Taken into custody under s. 938.19 and there are reasonable
12 grounds to believe the juvenile has committed an act which if committed by an adult
13 would be covered a misdemeanor under subd. 1. ~~or 2.~~ or a felony.

14 4. Arrested for any misdemeanor not specified in subd. 2., any other violation
15 of state law punishable by forfeiture, or any local ordinance, if there is probable cause
16 to believe the person is concealing a weapon or a thing which may constitute evidence
17 of the offense for which he or she is detained.

18 (b) “Strip search” means a search in which a detained person’s genitals, pubic
19 area, buttock, or anus, or a detained female person’s breast, is uncovered and either
20 is exposed to view or is touched by a person conducting the search.

21 **SECTION 483.** 968.255 (2) (intro.) of the statutes is renumbered 968.585 (2)
22 (intro.) and amended to read:

23 968.585 (2) (intro.) No person may be ~~the~~ subject of another to a strip search
24 unless ~~he or she is a detained person and if~~ all of the following apply:

1 **SECTION 484.** 968.255 (2) (a) of the statutes is renumbered 968.585 (2) (ar) and
2 amended to read:

3 968.585 (2) (ar) The person conducting the search is of the same sex as the
4 person detained, unless the search is a body cavity search ~~conducted~~ that is not
5 prohibited under sub. (3);.

6 **SECTION 485.** 968.255 (2) (b), (c), (d) and (e) of the statutes are renumbered
7 968.585 (2) (b), (c), (d) and (e) and amended to read:

8 968.585 (2) (b) The detained person is not exposed to the view of any person
9 whose presence is not reasonably needed for conducting the search;.

10 (c) The search is not reproduced through a visual or sound recording;.

11 (d) A person conducting the search has obtained the prior written ~~permission~~
12 authorization of the chief, or sheriff or law enforcement administrator of the
13 jurisdiction where the person is detained, or his or her designee, unless there is
14 probable cause to believe that the detained person is concealing a weapon; ~~and~~.

15 (e) ~~A-~~ The person conducting the search prepares a report identifying the
16 person detained, all persons conducting the search, the time, date, and place of the
17 search, and the written authorization required by par. (d), and provides a copy of the
18 report to the person detained.

19 **SECTION 486.** 968.255 (3) of the statutes is renumbered 968.585 (3) and
20 amended to read:

21 968.585 (3) No person other than a physician, physician assistant, or
22 registered nurse licensed to practice in this state may conduct a body cavity search.

23 **SECTION 487.** 968.255 (4) of the statutes is renumbered 946.77 and amended
24 to read:

1 **946.77 Improper search of a detained person.** ~~A person who~~ Whoever
 2 intentionally violates ~~this section may be fined not more than \$1,000 or imprisoned~~
 3 ~~not more than 90 days or both s. 968.585~~ if the person who is subject to the search
 4 is a detained person is guilty of a Class B misdemeanor.

5 **SECTION 488.** 968.255 (5) of the statutes is renumbered 968.585 (5).

6 **SECTION 489.** 968.255 (6) of the statutes is renumbered 968.585 (6) and
 7 amended to read:

8 968.585 (6) A law enforcement agency, as defined in s. 165.83 (1) (b), may
 9 promulgate rules concerning strip searches ~~which at least that, at a minimum,~~ meet
 10 the ~~minimum~~ requirements of this section.

11 **SECTION 490.** 968.255 (7) of the statutes is renumbered 968.585 (7) and
 12 amended to read:

13 968.585 (7) This section does not apply to a search of any person who meets any
 14 of the following criteria:

15 (a) ~~Is~~ The person is serving a sentence, pursuant to a conviction, in a jail, state
 16 prison, or house of correction.

17 (b) ~~Is~~ The person is placed in or transferred to a juvenile correctional facility,
 18 as defined in s. 938.02 (10p), or a secured residential care center for children and
 19 youth, as defined in s. 938.02 (15g).

20 (c) ~~Is~~ The person is committed, transferred, or admitted under ch. 975, 2011
 21 stats., or ch. 51, 971 or 975.

22 (d) ~~Is~~ The person is confined as a condition of probation under s. 973.09 (4).

23 **SECTION 491.** 968.256 of the statutes is renumbered 968.59 and amended to
 24 read:

1 **968.59 Search of ~~physically disabled person~~ persons with a physical**
2 **disability.** (1) In this section, "~~physically disabled person with a physical disability~~"
3 means a person who requires an assistive device for mobility, including, but not
4 limited to, a wheelchair, brace, crutch, or artificial limb.

5 (2) A search of a ~~physically disabled person with a physical disability~~ shall be
6 conducted in a careful manner. If a search of a ~~physically disabled person with a~~
7 physical disability requires the removal of an assistive device or involves a person
8 lacking sensation in some portion of his or her body, the search shall be conducted
9 with extreme care by a person who has had training in handling ~~physically disabled~~
10 persons with a physical disability.

11 **SECTION 492.** 968.26 of the statutes is renumbered 968.105, and 968.105 (3),
12 as renumbered, is amended to read:

13 968.105 (3) The extent to which the judge may proceed in an examination
14 under sub. (1) or (2) is within the judge's discretion. The examination ~~may be~~
15 ~~adjourned and may~~ shall be secret unless the judge orders otherwise. Unless the
16 judge orders the proceeding not to be secret, the record and the testimony taken is
17 not open to public inspection. The record and testimony taken is open to inspection
18 by the district attorney, and, if a criminal prosecution follows, it is subject to
19 discovery under s. 971.43 (2) (br). Any witness examined under this section may
20 have counsel present at the examination but the counsel shall not be allowed to
21 examine his or her client, cross-examine other witnesses, or argue before the judge.
22 ~~Subject to s. 971.23, if the proceeding is secret, the record of the proceeding and the~~
23 ~~testimony taken shall not be open to inspection by anyone except the district attorney~~
24 ~~unless it is used by the prosecution at the preliminary hearing or the trial of the~~
25 ~~accused and then only to the extent that it is so used.~~ A court, on the motion of a

1 district attorney, may compel a person to testify or produce evidence under s. ~~972.08~~
2 967.17 (1). The person is immune from prosecution as provided in s. ~~972.08~~ 967.17
3 (1), subject to the restrictions under s. ~~972.085~~ 967.18.

4 **SECTION 493.** 968.265 of the statutes is renumbered 968.595.

5 **SECTION 494.** 968.27 (intro.) of the statutes is renumbered 968.305 (intro.) and
6 amended to read:

7 **968.305 Definitions.** (intro.) In ss. ~~968.28 to 968.375~~ this subchapter:

8 **SECTION 495.** 968.27 (1) of the statutes is renumbered 968.305 (1) and amended
9 to read:

10 968.305 (1) “Aggrieved person” means a person who was a party to any
11 intercepted wire, electronic, or oral communication or a person against whom the
12 interception was directed.

13 **SECTION 496.** 968.27 (2) of the statutes is renumbered 968.305 (2).

14 **SECTION 497.** 968.27 (3) of the statutes is renumbered 968.305 (3) and amended
15 to read:

16 968.305 (3) “Contents” when used with respect to any wire, electronic, or oral
17 communication, includes any information concerning the substance, purport, or
18 meaning of that communication.

19 **SECTION 498.** 968.27 (4) of the statutes is renumbered 968.305 (4), and 968.305
20 (4) (intro.), as renumbered, is amended to read:

21 968.305 (4) (intro.) “Electronic communication” means any transfer of signs,
22 signals, writing, images, sounds, data, or intelligence of any nature wholly or
23 partially transmitted by a wire, radio, electromagnetic, photoelectronic, or
24 photooptical system. “Electronic communication” does not include any of the
25 following:

1 **SECTION 499.** 968.27 (5) of the statutes is renumbered 968.305 (5).

2 **SECTION 500.** 968.27 (6) of the statutes is renumbered 968.305 (6) and amended
3 to read:

4 968.305 (6) “Electronic communications system” means any wire, radio,
5 electromagnetic, photooptical, or photoelectronic facilities for the transmission of
6 electronic communications, and any computer facilities or related electronic
7 equipment for the electronic storage of those communications.

8 **SECTION 501.** 968.27 (7) of the statutes is renumbered 968.305 (7), and 968.305
9 (7) (intro.) and (a) (intro.) and 1., as renumbered, are amended to read:

10 968.305 (7) (intro.) “Electronic, mechanical, or other device” means any device
11 or apparatus which can be used to intercept a wire, electronic, or oral communication
12 other than one of the following:

13 (a) (intro.) Any telephone or telegraph instrument, equipment, or facilities, or
14 any component thereof, which is of a telephone or telegraph instrument, equipment,
15 or facilities, that is any of the following:

16 1. Furnished to the subscriber or user by a provider of electronic or wire
17 communication service in the ordinary course of its business and being used by the
18 subscriber or user in the ordinary course of its business or furnished by the
19 subscriber or user for connection to the facilities of the service and used in the
20 ordinary course of its business; ~~or,~~

21 **SECTION 502.** 968.27 (8) of the statutes is renumbered 968.305 (8).

22 **SECTION 503.** 968.27 (9) of the statutes is renumbered 968.305 (9) and amended
23 to read:

1 968.305 (9) “Intercept” means the aural or other acquisition of the contents of
2 any wire, electronic, or oral communication through the use of any electronic,
3 mechanical, or other device.

4 **SECTION 504.** 968.27 (10) of the statutes is renumbered 968.305 (10) and
5 amended to read:

6 968.305 (10) “Investigative or law enforcement officer” means any officer of
7 this state or political subdivision thereof, who is empowered by the laws of this state
8 to conduct investigations of or to make arrests for offenses enumerated in ss. ~~968.28~~
9 968.315 to ~~968.37~~ 968.405, and any attorney authorized by law to prosecute or
10 participate in the prosecution of those offenses.

11 **SECTION 505.** 968.27 (11) of the statutes is renumbered 968.305 (11) and
12 amended to read:

13 968.305 (11) “Judge” means the judge sitting at the time an application is made
14 under s. ~~968.30~~ 968.335 or his or her successor.

15 **SECTION 506.** 968.27 (12) and (13) of the statutes are renumbered 968.305 (12)
16 and (13).

17 **SECTION 507.** 968.27 (14) of the statutes is renumbered 968.305 (14).

18 **SECTION 508.** 968.27 (14g) of the statutes is renumbered 968.305 (14g).

19 **SECTION 509.** 968.27 (15) of the statutes is renumbered 968.305 (15).

20 **SECTION 510.** 968.27 (16) (intro.), (a) and (b) of the statutes are consolidated,
21 renumbered 968.305 (16) and amended to read:

22 968.305 (16) “User” means any person ~~who or entity that:~~ ~~(a)~~ uses an
23 electronic communication service; and ~~(b)~~ is duly authorized by the provider of the
24 service to engage in that use.

25 **SECTION 511.** 968.27 (17) of the statutes is renumbered 968.305 (17).

1 **SECTION 512.** 968.28 of the statutes is renumbered 968.315 and amended to
2 read:

3 **968.315 Application for court order to intercept communications.** The
4 attorney general together with the district attorney of any county may approve a
5 request of an investigative or law enforcement officer to apply to the chief judge of
6 the judicial administrative district for the county where the interception is to take
7 place for an order authorizing or approving the interception of wire, electronic, or
8 oral communications. The chief judge may under s. ~~968.30~~ 968.335 grant an order
9 authorizing or approving the interception of wire, electronic, or oral communications
10 by investigative or law enforcement officers having responsibility for the
11 investigation of the offense for which the application is made. The authorization
12 shall be permitted only if the interception may provide or has provided evidence of
13 the commission of the offense of homicide, felony murder, kidnapping, commercial
14 gambling, bribery, extortion, dealing in controlled substances or controlled
15 substance analogs, a computer crime that is a felony under s. 943.70, sexual
16 exploitation of a child under s. 948.05, trafficking of a child under s. 948.051, child
17 enticement under s. 948.07, use of a computer to facilitate a child sex crime under
18 s. 948.075, or soliciting a child for prostitution under s. 948.08, or any conspiracy to
19 commit any of the foregoing offenses.

20 **SECTION 513.** 968.29 of the statutes is renumbered 968.325 and amended to
21 read:

22 **968.325 Authorization for disclosure and use of intercepted wire,**
23 **electronic, or oral communications.** (1) Any investigative or law enforcement
24 officer who, by any means authorized by ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405 or 18
25 USC 2510 to 2520, has obtained knowledge of the contents of any wire, electronic,

1 or oral communication, or evidence derived therefrom, may disclose the contents to
2 another investigative or law enforcement officer only to the extent that the disclosure
3 is appropriate to the proper performance of the official duties of the officer making
4 or receiving the disclosure.

5 (2) Any investigative or law enforcement officer who, by any means authorized
6 by ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405 or 18 USC 2510 to 2520, has obtained
7 knowledge of the contents of any wire, electronic, or oral communication or evidence
8 derived therefrom may use the contents only to the extent the use is appropriate to
9 the proper performance of the officer's official duties.

10 (3) (a) Any person who has received, by any means authorized by ss. ~~968.28~~
11 968.315 to ~~968.37~~ 968.405 or 18 USC 2510 to 2520 or by a like statute of any other
12 state, any information concerning a wire, electronic, or oral communication or
13 evidence derived therefrom intercepted in accordance with ss. ~~968.28~~ 968.315 to
14 ~~968.37~~ 968.405, may disclose the contents of that communication or that derivative
15 evidence only while giving testimony under oath or affirmation in any proceeding in
16 any court or before any magistrate or grand jury in this state, or in any court of the
17 United States or of any state, or in any federal or state grand jury proceeding.

18 (b) In addition to the disclosure provisions of par. (a), any person who has
19 received, in the manner described under s. ~~968.31~~ 968.345 (2) (b), any information
20 concerning a wire, electronic, or oral communication or evidence derived therefrom,
21 may disclose the contents of that communication or that derivative evidence while
22 giving testimony under oath or affirmation in any proceeding described in par. (a) in
23 which a person is accused of any act constituting a felony, and only if the party who
24 consented to the interception is available to testify at the proceeding or if another
25 witness is available to authenticate the recording.

1 (4) No otherwise privileged wire, electronic, or oral communication intercepted
2 in accordance with, or in violation of, ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405 or 18 USC
3 2510 to 2520, may lose its privileged character.

4 (5) When an investigative or law enforcement officer, while engaged in
5 intercepting wire, electronic, or oral communications in the manner authorized,
6 intercepts wire, electronic, or oral communications relating to offenses other than
7 those specified in the order of authorization or approval, the contents thereof, and
8 evidence derived therefrom, may be disclosed or used as provided in subs. (1) and (2).
9 The contents and any evidence derived therefrom may be used under sub. (3) when
10 authorized or approved by the judge who acted on the original application where the
11 judge finds on subsequent application, made as soon as practicable but no later than
12 48 hours, that the contents were otherwise intercepted in accordance with ss. ~~968.28~~
13 968.315 to ~~968.37~~ 968.405 or 18 USC 2510 to 2520 or by a like statute.

14 **SECTION 514.** 968.30 of the statutes is renumbered 968.335, and 968.335 (title),
15 (1) (intro.), (b) (intro.), 1., 2. and 3. and (e), (3) (intro.), (a) and (d), (4) (intro.), (a), (b),
16 (c) and (d), (5), (6), (7) (a) and (b), (8), (9) and (10), as renumbered, are amended to
17 read:

18 **968.335 (title) Procedure for interception of wire, electronic, or oral**
19 **communications.** (1) (intro.) Each application for an order authorizing or
20 approving the interception of a wire, electronic, or oral communication shall be made
21 in writing upon oath or affirmation to the court and shall state the applicant's
22 authority to make the application and may be upon personal knowledge or
23 information and belief. Each application shall include the following information:

1 (b) (intro.) A full and complete statement of the facts and circumstances relied
2 upon by the applicant, to justify the applicant's belief that an order should be issued,
3 including all of the following:

4 1. Details of the particular offense that has been, is being, or is about to be
5 committed;

6 2. A particular description of the nature and location of the facilities from which
7 or the place where the communication is to be intercepted;

8 3. A particular description of the type of communications sought to be
9 intercepted; and

10 (e) A full and complete statement of the facts concerning all previous
11 applications known to the individual authorizing and making the application, made
12 to any court for authorization to intercept, or for approval of interceptions of, wire,
13 electronic, or oral communications involving any of the same persons, facilities, or
14 places specified in the application, and the action taken by the court on each such
15 application; and

16 (3) (intro.) Upon the application the court may enter an ex parte order, as
17 requested or as modified, authorizing or approving interception of wire, electronic,
18 or oral communications, if the court determines on the basis of the facts submitted
19 by the applicant that all of the following exist:

20 (a) There is probable cause for belief that an individual is committing, has
21 committed, or is about to commit a particular offense enumerated in s. ~~968.28~~
22 968.315.

23 (d) There is probable cause for belief that the facilities from which, or the place
24 where, the wire, electronic, or oral communications are to be intercepted are being

1 used, or are about to be used, in connection with the commission of the offense, or are
2 leased to, listed in the name of, or commonly used by the person.

3 (4) (intro.) Each order authorizing or approving the interception of any wire,
4 electronic, or oral communication shall specify all of the following:

5 (a) The identity of the person, if known, whose communications are to be
6 intercepted;

7 (b) The nature and location of the communications facilities which, or the place
8 where authority to intercept is granted and the means by which such interceptions
9 shall be made;

10 (c) A particular description of the type of communication sought to be
11 intercepted and a statement of the particular offense to which it relates;

12 (d) The identity of the agency authorized to intercept the communications and
13 of the person authorizing the application; ~~and~~.

14 (5) No order entered under this section may authorize or approve the
15 interception of any wire, electronic, or oral communication for any period longer than
16 is necessary to achieve the objective of the authorization, nor in any event longer
17 than 30 days. The 30-day period begins on the earlier of the day on which the
18 investigative or law enforcement officer first begins to conduct an interception under
19 the order or 10 days after the order is entered. Extensions of an order may be
20 granted, but only upon application for an extension made in accordance with sub. (1)
21 and the court making the findings required by sub. (3). The period of extension shall
22 be no longer than the authorizing judge deems necessary to achieve the purposes for
23 which it was granted and in no event be for longer than 30 days. Every order and
24 extension thereof shall contain a provision that the authorization to intercept shall
25 be executed as soon as practicable, shall be conducted in such a way as to minimize

1 the interception of communications not otherwise subject to interception under this
2 chapter, and must terminate upon attainment of the authorized objective, or in any
3 event in 30 days. In the event the intercepted communication is in a code or foreign
4 language, and an expert in that foreign language or code is not reasonably available
5 during the interception period, minimization may be accomplished as soon as
6 practicable after the interception.

7 (6) Whenever an order authorizing interception is entered pursuant to ss.
8 ~~968.28~~ 968.315 to ~~968.33~~ 968.365, the order may require reports to be made to the
9 court which issued the order showing what progress has been made toward
10 achievement of the authorized objective and the need for continued interception.
11 Such reports shall be made at such intervals as the court requires.

12 (7) (a) The contents of any wire, electronic, or oral communication intercepted
13 by any means authorized by ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405 shall, if possible,
14 be recorded on tape or wire or other comparable device. The recording of the contents
15 of any wire, electronic, or oral communication under this subsection shall be done in
16 such way as will protect the recording from editing or other alterations. Immediately
17 upon the expiration of the period of the order or extensions thereof all such
18 recordings and records of an intercepted wire, electronic, or oral communication
19 shall be filed with the court issuing the order and the court shall order the same to
20 be sealed. Custody of the recordings and records shall be wherever the judge
21 handling the application shall order. They shall not be destroyed except upon an
22 order of the issuing or denying judge and in any event shall be properly kept and
23 preserved for 10 years. Duplicate recordings and other records may be made for use
24 or disclosure pursuant to the provisions for investigations under s. ~~968.29~~ 968.325
25 (1) and (2). The presence of the seal provided for by this subsection, or a satisfactory

1 explanation for the absence thereof, shall be a prerequisite for the use or disclosure
2 of the contents of any wire, electronic, or oral communication or evidence derived
3 therefrom under s. ~~968.29~~ 968.325 (3).

4 (b) Applications made and orders granted under ss. ~~968.28~~ 968.315 to ~~968.33~~
5 968.365 together with all other papers and records in connection therewith shall be
6 ordered sealed by the court. Custody of the applications, orders, and other papers
7 and records shall be wherever the judge shall order. Such applications ^{plain} and orders
8 and other papers and records shall be disclosed only upon a showing of good cause
9 before the judge and shall not be destroyed except on order of the issuing or denying
10 judge, and in any event shall be kept for 10 years.

11 (8) The contents of any intercepted wire, electronic, or oral communication or
12 evidence derived therefrom shall not be received in evidence or otherwise disclosed
13 in any trial, hearing, or other proceeding in any court of this state unless each party,
14 not less than 10 days before the trial, hearing, or proceeding, has been furnished with
15 a copy of the court order, and accompanying application, under which the
16 interception was authorized or approved. This 10-day period may be waived by the
17 judge if he or she finds that it was not possible to furnish the party with the above
18 information 10 days before the trial, hearing, or proceeding and that the party will
19 not be prejudiced by the delay in receiving the information.

20 (9) (a) Any aggrieved person in any trial, hearing, or proceeding in or before
21 any court, department, officer, agency, regulatory body, or other authority of this
22 state, or a political subdivision thereof, may move before the trial court or the court
23 granting the original warrant to suppress the contents of any intercepted wire,
24 electronic, or oral communication, or evidence derived therefrom, on the grounds
25 that the communication was unlawfully intercepted; the order of authorization or

1 approval under which it was intercepted is insufficient on its face; or the interception
2 was not made in conformity with the order of authorization or approval. The motion
3 shall be made before the trial, hearing, or proceeding unless there was no
4 opportunity to make the motion or the person was not aware of the grounds of the
5 motion. If the motion is granted, the contents of the intercepted wire, electronic, or
6 oral communication, or evidence derived therefrom, shall be treated as having been
7 obtained in violation of ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405. The judge may, upon
8 the filing of the motion by the aggrieved person, make available to the aggrieved
9 person or his or her counsel for inspection such portions of the intercepted
10 communication or evidence derived therefrom as the judge determines to be in the
11 interest of justice.

12 (b) In addition to any other right to appeal, the state shall have the right to
13 appeal from any of the following:

14 1. ~~From an~~ An order granting a motion to suppress made under par. (a) if the
15 attorney general or district attorney certifies to the judge or other official granting
16 such motion that the appeal is not entered for purposes of delay and shall be
17 diligently prosecuted as in the case of other interlocutory appeals or under such rules
18 as the supreme court adopts; ~~or~~.

19 2. ~~From an~~ An order denying an application for an order of authorization or
20 approval, and such an appeal shall be ex parte and shall be in camera in preference
21 to all other pending appeals in accordance with rules promulgated by the supreme
22 court.

23 (10) Nothing in ss. ~~968.28~~ 968.315 to ~~968.375~~ 968.405 shall be construed to
24 allow the interception of any wire, electronic, or oral communication between an
25 attorney and a client.

1 obtained through the interception of a wire, electronic, or oral communication in
2 violation of this ~~section~~ subsection or under circumstances constituting violation of
3 this ~~section~~ subsection.

4 (e) Intentionally discloses the contents of any oral, electronic, or wire
5 communication obtained by authority of ss. ~~968.28, 968.29~~ 968.315, 968.325, and
6 ~~968.30~~ 968.335, except as therein provided.

7 (f) Intentionally alters any wire, electronic, or oral communication intercepted
8 on tape, wire, or other device.

9 **(2)** (intro.) It is not unlawful under ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405:

10 (a) For an operator of a switchboard, or an officer, employee, or agent of any
11 provider of a wire or electronic communication service, whose facilities are used in
12 the transmission of a wire or electronic communication to intercept, disclose, or use
13 that communication in the normal course of his or her employment while engaged
14 in any activity which is a necessary incident to the rendition of his or her service or
15 to the protection of the rights or property of the provider of that service, except that
16 a provider of a wire or electronic communication service shall not utilize service
17 observing or random monitoring except for mechanical or service quality control
18 checks.

19 (b) For a person acting under color of law to intercept a wire, electronic, or oral
20 communication, where the person is a party to the communication or one of the
21 parties to the communication has given prior consent to the interception.

22 (c) For a person not acting under color of law to intercept a wire, electronic, or
23 oral communication where the person is a party to the communication or where one
24 of the parties to the communication has given prior consent to the interception unless
25 the communication is intercepted for the purpose of committing any criminal or

1 tortious act in violation of the constitution or laws of the United States or of any state
2 or for the purpose of committing any other injurious act.

3 (e) For any person to intercept any radio communication that is transmitted
4 by any of the following:

5 1. ~~By any~~ Any station for the use of the general public, or that relates to ships,
6 aircraft, vehicles, or persons in distress;

7 2. ~~By any~~ Any governmental, law enforcement, civil defense, private land
8 mobile, or public safety communications system, including police and fire, readily
9 accessible to the general public;

10 3. ~~By a~~ A station operating on an authorized frequency within the bands
11 allocated to the amateur, citizens band, or general mobile radio services; ~~or~~

12 4. ~~By any~~ Any marine or aeronautical communications system.

13 (f) For any person to engage in any conduct that is any of the following:

14 1. ~~Is prohibited~~ Prohibited by section 633 of the communications act of 1934;
15 ~~or~~

16 2. ~~Is excepted~~ Excepted from the application of section 705 (a) of the
17 communications act of 1934 by section 705 (b) of that act.

18 (i) To use a pen register or a trap and trace device as authorized under ss. ~~968.34~~
19 968.376 to 968.37; or 968.405.

20 (j) For a provider of electronic communication service to record the fact that a
21 wire or electronic communication was initiated or completed in order to protect the
22 provider, another provider furnishing service toward the completion of the wire or
23 electronic communication, or a user of that service, from fraudulent, unlawful, or
24 abusive use of the service.

1 **(2m)** (intro.) Any person whose wire, electronic, or oral communication is
2 intercepted, disclosed, or used in violation of ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405
3 shall have a civil cause of action against any person who intercepts, discloses, or uses,
4 or procures any other person to intercept, disclose, or use, the communication, and
5 shall be entitled to recover from any such person all of the following:

6 (a) Actual damages, but not less than liquidated damages computed at the rate
7 of \$100 a day for each day of violation or \$1,000, whichever is higher;

8 (b) Punitive damages; ~~and~~.

9 **(3)** Good faith reliance on a court order or on s. ~~968.30~~ 968.335 (7) shall
10 constitute a complete defense to any civil or criminal action brought under ss. ~~968.28~~
11 968.315 to ~~968.37~~ 968.405.

12 **SECTION 517.** 968.32 of the statutes is renumbered 968.355 and amended to
13 read:

14 **968.355 Forfeiture of contraband devices.** Any electronic, mechanical, or
15 other intercepting device used in violation of s. ~~968.31~~ 968.345 (1) may be seized as
16 contraband by any peace officer and forfeited to this state in an action by the
17 department of justice under ch. 778.

18 **SECTION 518.** 968.33 of the statutes is renumbered 968.365.

19 **SECTION 519.** 968.34 of the statutes is renumbered 968.376, and 968.376 (1)
20 and (2), as renumbered, are amended to read:

21 **968.376 (1)** Except as provided in this section, no person may install or use a
22 pen register or a trap and trace device without first obtaining a court order under s.
23 ~~968.36~~ 968.395 or 18 USC 3123 or 50 USC 1801 to 1811.

1 (2) The prohibition of sub. (1) does not apply with respect to the use of a pen
2 register or a trap and trace device by a provider of electronic or wire communication
3 service if any of the following applies:

4 (a) ~~Relating~~ The use relates to the operation, maintenance, and testing of a wire
5 or electronic communication service or to the protection of the rights or property of
6 the provider, or to the protection of users of that service from abuse of service or
7 unlawful use of service;

8 (b) ~~To~~ The use is to record the fact that a wire or electronic communication was
9 initiated or completed in order to protect the provider, another provider furnishing
10 service toward the completion of the wire communication, or a user of that service,
11 from fraudulent, unlawful, or abusive use of service; ~~or.~~

12 (c) ~~Where the~~ The consent of the user of that service has been obtained.

13 **SECTION 520.** 968.35 of the statutes is renumbered 968.385, and 968.385 (1),
14 as renumbered, is amended to read:

15 968.385 (1) The attorney general or a district attorney may make application
16 for an order or an extension of an order under s. ~~968.36~~ 968.395 authorizing or
17 approving the installation and use of a pen register or a trap and trace device, in
18 writing under oath or equivalent affirmation, to a ~~circuit~~ court for the county where
19 the device is to be located.

20 **SECTION 521.** 968.36 of the statutes is renumbered 968.395, and 968.395 (1),
21 (2) (e), (4) and (5), as renumbered, are amended to read:

22 968.395 (1) Upon an application made under s. ~~968.35~~ 968.385, the court shall
23 enter an ex parte order authorizing the installation and use of a pen register or a trap
24 and trace device within the jurisdiction of the court if the court finds that the

1 applicant has certified to the court that the information likely to be obtained by the
2 installation and use is relevant to an ongoing criminal investigation.

3 (2) (e) Direct, upon the request of the applicant, the furnishing of information,
4 facilities and technical assistance necessary to accomplish the installation of the pen
5 register or trap and trace device under s. ~~968.37~~ 968.405.

6 (4) Extensions of the order may be granted, but only upon an application for
7 an order under s. ~~968.35~~ 968.385 and upon the judicial finding required by sub. (1).
8 The period of extension shall be for a period not to exceed 60 days.

9 (5) An order authorizing or approving the installation and use of a pen register
10 or a trap and trace device shall direct ~~that~~ all of the following:

11 (a) ~~The~~ That the order be sealed until otherwise ordered by the court; ~~and~~.

12 (b) ~~The~~ That the person owning or leasing the line to which the pen register or
13 a trap and trace device is attached, or who has been ordered by the court to provide
14 assistance to the applicant, not disclose the existence of the pen register or trap and
15 trace device or the existence of the investigation to the listed subscriber, or to any
16 other person, unless or until otherwise ordered by the court.

17 **SECTION 522.** 968.37 of the statutes is renumbered 968.405, and 968.405 (1),
18 (2), (3), (4) and (5), as renumbered, are amended to read:

19 968.405 (1) Upon the request of the attorney general, a district attorney, or an
20 officer of a law enforcement agency authorized to install and use a pen register under
21 ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405, a provider of wire or electronic communication
22 service, landlord, custodian, or other person shall furnish the investigative or law
23 enforcement officer forthwith all information, facilities, and technical assistance
24 necessary to accomplish the installation of the pen register unobtrusively and with
25 a minimum of interference with the services that the person so ordered by the court

1 accords the party with respect to whom the installation and use is to take place, if
2 the assistance is directed by a court order under s. ~~968.36~~ 968.395 (5) (b).

3 (2) Upon the request of the attorney general, a district attorney, or an officer
4 of a law enforcement agency authorized to receive the results of a trap and trace
5 device under ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405, a provider of a wire or electronic
6 communication service, landlord, custodian, or other person shall install the device
7 ~~forthwith~~ immediately on the appropriate line and shall furnish the investigative or
8 law enforcement officer all additional information, facilities, and technical
9 assistance including installation and operation of the device unobtrusively and with
10 a minimum of interference with the services that the person so ordered by the court
11 accords the party with respect to whom the installation and use is to take place, if
12 the installation and assistance is directed by a court order under s. ~~968.36~~ 968.395
13 (5) (b). Unless otherwise ordered by the court, the results of the trap and trace device
14 shall be furnished to the officer of a law enforcement agency, designated by the court,
15 at reasonable intervals during regular business hours for the duration of the order.

16 (3) A provider of a wire or electronic communication service, landlord,
17 custodian, or other person who furnishes facilities or technical assistance under this
18 section shall be reasonably compensated for the reasonable expenses incurred in
19 providing the facilities and assistance.

20 (4) No cause of action may lie in any court against any provider of a wire or
21 electronic communication service, its officers, employees, or agents or other specified
22 persons for providing information, facilities, or assistance in accordance with the
23 terms of a court order under s. ~~968.36~~ 968.395.

1 (5) A good faith reliance on a court order, a legislative authorization, or a
2 statutory authorization is a complete defense against any civil or criminal action
3 brought under ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405.

4 **SECTION 523.** 968.38 of the statutes is renumbered 968.725, and 968.725 (2)
5 (intro.), (2m) (intro.), (3) (d), (4) (intro.) and (5) (intro.), as renumbered, are amended
6 to read:

7 968.725 (2) (intro.) In a criminal action under s. 940.225, 948.02, 948.025,
8 948.05, 948.06, 948.085, or 948.095, if all of the following apply, the district attorney
9 shall apply to the circuit court for his or her county to order the defendant to submit
10 to an HIV test and to a test or a series of tests to detect the presence of a sexually
11 transmitted disease, each of which tests shall be administered by a health care
12 professional, and to disclose the results of the test or tests as specified in sub. (4) (a)
13 to (c):

14 (2m) (intro.) In a criminal action under s. 946.43 (2m), the district attorney
15 shall apply to the circuit court for his or her county for an order requiring the
16 defendant to submit to a test or a series of tests administered by a health care
17 professional to detect the presence of communicable diseases and to disclose the
18 results of the test or tests as specified in sub. (5) (a) to (c), if all of the following apply:

19 (3) (d) If the court has determined that the defendant is not competent to
20 proceed under s. ~~971.14~~ (4) 975.34 and suspended the criminal proceedings, at any
21 time after the determination that the defendant is not competent to proceed.

22 (4) (intro.) The court shall set a time for a hearing on the matter under sub. (2)
23 during the preliminary examination, if sub. (3) (a) applies; after the defendant is
24 bound over for trial and before a verdict is rendered, if sub. (3) (b) applies; after
25 conviction or a finding of not guilty by reason of mental disease or defect, if sub. (3)

1 (c) applies; or, subject to s. ~~971.13~~ 975.30 (4), after the determination that the
2 defendant is not competent, if sub. (3) (d) applies. The court shall give the district
3 attorney and the defendant notice of the hearing at least 72 hours prior to the
4 hearing. The defendant may have counsel at the hearing, and counsel may examine
5 and cross-examine witnesses. If the court finds probable cause to believe that the
6 victim or alleged victim has had contact with body fluid of the defendant that
7 constitutes a significant exposure, the court shall order the defendant to submit to
8 an HIV test and to a test or a series of tests to detect the presence of a sexually
9 transmitted disease. The test shall be performed by a health care professional. The
10 court shall require the health care professional who performs the test to disclose the
11 test results to the defendant, to refrain from making the test results part of the
12 defendant's permanent medical record, and to disclose the results of the test to any
13 of the following:

14 (5) (intro.) The court shall set a time for a hearing on the matter under sub. (2m)
15 during the preliminary examination, if sub. (3) (a) applies; after the defendant is
16 bound over for trial and before a verdict is rendered, if sub. (3) (b) applies; after
17 conviction or a finding of not guilty by reason of mental disease or defect, if sub. (3)
18 (c) applies; or, subject to s. ~~971.13~~ 975.30 (4), after the determination that the
19 defendant is not competent, if sub. (3) (d) applies. The court shall give the district
20 attorney and the defendant notice of the hearing at least 72 hours prior to the
21 hearing. The defendant may have counsel at the hearing, and counsel may examine
22 and cross-examine witnesses. If the court finds probable cause to believe that the
23 act or alleged act of the defendant that constitutes a violation of s. 946.43 (2m) carried
24 a potential for transmitting a communicable disease to the victim or alleged victim
25 and involved the defendant's blood, semen, vomit, saliva, urine or feces or other

1 bodily substance of the defendant, the court shall order the defendant to submit to
2 a test or a series of tests administered by a health care professional to detect the
3 presence of any communicable disease that was potentially transmitted by the act
4 or alleged act of the defendant. The court shall require the health care professional
5 who performs the test to disclose the test results to the defendant. The court shall
6 require the health care professional who performs the test to refrain from making the
7 test results part of the defendant's permanent medical record and to disclose the
8 results of the test to any of the following:

9 **SECTION 524.** 968.40 (title) of the statutes is renumbered 968.155 (title) and
10 amended to read:

11 **968.155 (title) Grand Convening a grand jury; duration.**

12 **SECTION 525.** 968.40 (1) of the statutes is renumbered 968.155 (1) and amended
13 to read:

14 968.155 (1) ~~SELECTION OF PROSPECTIVE GRAND JURY LIST JURORS.~~ Any judge may,
15 in writing, order the clerk of circuit court to select compile a grand jury list within
16 a specified reasonable time. The clerk shall select from the prospective juror list for
17 the county the names of not fewer than ~~75~~ 35 nor more than 150 persons to constitute
18 the prospective grand juror list. The list shall be kept secret.

19 **SECTION 526.** 968.40 (3) of the statutes is renumbered 968.155 (2) and amended
20 to read:

21 968.155 (2) EXAMINATION OF PROSPECTIVE GRAND JURORS. ~~At the time set for~~
22 When the prospective grand jurors to appear, the judge shall and the district
23 attorney or other prosecuting officer may examine the prospective jurors them under
24 oath or affirmation relative to their qualifications to serve as grand jurors and the.

1 The judge shall excuse those who are disqualified, and may excuse others for any
2 reason ~~which~~ that seems proper to the judge.

3 **SECTION 527.** 968.40 (4) of the statutes is renumbered 968.155 (3) and amended
4 to read:

5 968.155 (3) ADDITIONAL GRAND JURORS. If, after ~~such~~ the examination described
6 in sub. (2), fewer than 17 grand jurors remain, additional prospective grand jurors
7 shall be selected, summoned and examined until there are at least 17 qualified grand
8 jurors on the grand jury.

9 **SECTION 528.** 968.40 (6), (7) and (8) of the statutes are renumbered 968.155 (4),
10 (5) and (6) and amended to read:

11 968.155 (4) TIME GRAND JURORS TO SERVE. ~~Grand~~ The judge may discharge the
12 grand jury at any time. Otherwise, grand jurors shall serve for a period of 31
13 consecutive days unless more days are necessary to complete service in a particular
14 proceeding. ~~The judge may discharge the grand jury at any time.~~

15 (5) ORDERS FILED WITH CLERK. All orders ~~mentioned in~~ under this section shall
16 be filed with the clerk ~~of court~~.

17 (6) INTERCOUNTY RACKETEERING AND CRIME. When a grand jury is convened
18 pursuant to under this section to investigate unlawful activity under s. 165.70, and
19 ~~such~~ the activity involves more than one county, including the county where the
20 petition for such grand jury is filed, then if the attorney general approves, all
21 expenses of such proceeding shall be charged to the appropriation under s. 20.455 (1)
22 (d).

23 **SECTION 529.** 968.41 of the statutes is renumbered 968.165 and amended to
24 read:

1 **968.165 Oath or affirmation of grand jurors.** Grand jurors shall, before
2 they begin ~~performance~~ of their duties, solemnly swear or affirm that they will
3 diligently inquire as to all matters and things ~~which~~ that come before the grand jury;
4 that they will keep all matters ~~which~~ that come before the grand jury secret; that they
5 will indict no person for envy, hatred, or malice; that they will not leave any person
6 unindicted for love, fear, favor, affection, or hope of reward; and that they will indict
7 truly, according to the best of their understanding.

8 **SECTION 530.** 968.42 of the statutes is renumbered 968.175 and amended to
9 read:

10 **968.175 Presiding juror and clerk.** The grand jury shall select from their
11 number a presiding juror and a clerk. The clerk of the grand jury shall preserve the
12 minutes of the proceedings before ~~them~~ the grand jury and all exhibits.

13 **SECTION 531.** 968.43 of the statutes is renumbered 968.185 and amended to
14 read:

15 **968.185 Reporter; oath; salary; assistant.** (1) Every grand jury shall, when
16 ordered by the judge ordering ~~such~~ the grand jury, employ one or more reporters to
17 attend ~~their~~ its sessions and to ~~make~~ record and transcribe ~~a~~ verbatim ~~record~~ of all
18 proceedings had before ~~them~~ it.

19 (2) Before assuming the duties under this section, each reporter shall make
20 and file an oath or affirmation ~~faithfully~~ to record and transcribe faithfully all of the
21 proceedings before the grand jury and to keep secret the matters ~~relative~~ related to
22 the proceedings. Each reporter shall be paid out of the county treasury of the county
23 in which the service is rendered ~~such~~ a sum for compensation and expenses as ~~shall~~
24 ~~be~~ audited and allowed as reasonable by the court ordering the grand jury. Each
25 reporter may employ on his or her own account a person to transcribe the testimony

1 and proceedings of the grand jury, but before entering upon the duties under this
2 subsection, the person shall be required to make and file an oath or affirmation
3 similar to that required of each reporter.

4 (3) ~~Any~~ Except as provided in s. 968.295, any person who violates an oath or
5 affirmation required by sub. (2) is guilty of a Class H felony.

6 SECTION 532. 968.44 of the statutes is renumbered 968.195 and amended to
7 read:

8 **968.195 Witnesses Oaths to witnesses.** The presiding juror of every grand
9 jury and the district attorney ~~or other prosecuting officer~~ who is before the grand jury
10 may administer all oaths and affirmations in the manner prescribed by law to
11 witnesses who appear before the grand jury for the purpose of testifying in any
12 matter of which the witnesses have cognizance. At the request of the court, the
13 presiding juror shall return to the court a list, under his or her hand, of all witnesses
14 who are sworn before the grand jury. That list shall be filed by the clerk of ~~circuit~~
15 court.

16 SECTION 533. 968.45 (title) of the statutes is renumbered 968.203 (title) and
17 amended to read:

18 **968.203 (title) ~~Witness rights~~ Counsel for witnesses; transcripts.**

19 SECTION 534. 968.45 (1) of the statutes is renumbered 968.203 (1) (a) and
20 amended to read:

21 968.203 (1) (a) Any witness appearing before a grand jury may have counsel
22 present, but the counsel shall not be allowed to examine his or her client,
23 cross-examine other witnesses, or argue before the judge. Counsel may consult with
24 his or her client while before a grand jury. ~~If the prosecuting officer,~~

1 ~~prosecuting officer or witness~~ person bringing the motion or exercising the immunity
2 or privilege so requests.

3 SECTION 538. Subchapter VI (title) of chapter 968 [precedes 968.465] of the
4 statutes is created to read:

5 CHAPTER 968

6 SUBCHAPTER VI

7 SEARCH WARRANTS

8 SECTION 539. 968.465 (5) and (6) of the statutes are created to read:

9 968.465 (5) SEALED WARRANT. A judge may order that a search warrant and
10 supporting documents be held under seal for a specified period and may extend or
11 reduce the period for good cause shown. The judge shall make the decision in his or
12 her discretion, after balancing the reasons for secrecy against the defendant's and
13 the public's right of access.

14 (6) PERMITTING EXECUTION WITHOUT ANNOUNCEMENT. A search warrant may
15 authorize the executing officer to enter the premises designated in the warrant
16 without announcement and delay under s. 968.485 (1) when the applicant shows that
17 there is a reasonable suspicion that, in the particular circumstances, announcement
18 and delay would be dangerous or futile or would inhibit the effective investigation
19 of the crime by any means including but not limited to the destruction of evidence.

20 SECTION 540. 968.47 of the statutes is renumbered 968.225 and amended to
21 read:

22 968.225 **District Duties of district attorney, ~~when to attend~~**. Whenever
23 required by the grand jury ~~it shall be the duty of~~, the district attorney of the county
24 ~~to shall attend them~~ grand jury proceedings for the purpose of examining witnesses
25 ~~in their the presence or of giving them~~ of the grand jury, give the grand jury advice

1 upon any legal matter, and to issue subpoenas and other process to bring up
2 witnesses before the grand jury.

3 SECTION 541. 968.475 (2) (a) of the statutes is created to read:

4 968.475 (2) (a) Contraband.

5 SECTION 542. 968.475 (2) (e) of the statutes is created to read:

6 968.475 (2) (e) A designated person.

This section does not apply to

7 SECTION 543. 968.475 (3) of the statutes is created to read:

8 968.475 (3) Section 968.705 covers documents to be subpoenaed if the
9 documents are under the control of a person not reasonably suspected to be
10 concerned in the commission of a crime.

****NOTE: As you noted, we removed this provision because it is merely informational. Informational provisions that do not make law or that do not qualify any provision that makes law are not included in the statutes.

11 SECTION 544. 968.48 of the statutes is renumbered 968.235 and amended to
12 read:

13 **968.235 Attendance; absence; excuse Grand jury attendance; number**
14 **required for grand jury session; number required to concur in and**
15 **indictment.** Each grand juror shall attend every session of the grand jury unless
16 excused by the presiding juror. The presiding juror may excuse a grand juror from
17 attending a grand jury session only for a reason which appears to the presiding juror
18 in his or her discretion as good and sufficient cause for the excuse juror's absence.
19 No business may be transacted at any session of the grand jury at which less if fewer
20 than 14 members of the grand jury are in attendance, and no indictment may be
21 found by any grand jury may indict unless at least 12 of their number shall grand
22 jurors concur in the indictment.

23 SECTION 545. 968.485 (title) and (1) of the statutes are created to read:

1 **968.485 (title) Execution of a search warrant. (1) KNOCK AND ANNOUNCE**
2 **REQUIREMENT AND EXCEPTIONS.** When seeking to enter a dwelling to execute a search
3 warrant, a law enforcement officer shall first announce the purpose and authority
4 to enter and allow a reasonable time for the door to be opened, unless one of the
5 following applies:

6 (a) The search warrant authorizes the entry of the premises without
7 announcement and delay and the reasonable suspicion under s. 968.465 (6)
8 justifying the authorizing provision continues to exist at the time the warrant is
9 executed.

10 (b) Under the particular circumstances that the warrant is executed, the law
11 enforcement officer has reasonable suspicion, that was not, or reasonably could not
12 have been, known when the warrant was requested, that announcement and delay
13 would be dangerous or futile or would inhibit the effective investigation of the crime
14 by any means including but not limited to the destruction of evidence.

15 **SECTION 546.** 968.49 of the statutes is renumbered 968.245 and amended to
16 read:

17 **968.245 Fine for nonattendance.** Any person lawfully summoned to attend
18 as a grand juror who fails to attend without any sufficient excuse shall pay a fine not
19 exceeding be fined not more than \$40, which ~~shall be imposed by~~ the court to which
20 the person was summoned shall impose and which shall be paid into the county
21 treasury.

22 **SECTION 547.** 968.50 of the statutes is renumbered 968.252 and amended to
23 read:

1 **968.252 Report progress and return indictments.** A grand jury may
2 report progress and return indictments to the court from time to time during its
3 session ~~and until discharged.~~

4 **SECTION 548.** 968.505 (title) of the statutes is renumbered 968.262 (title).

5 **SECTION 549.** 968.505 of the statutes is renumbered 968.262 (1) and amended
6 to read:

7 968.262 (1) When the grand jury is discharged, the clerk of the grand jury shall
8 collect all transcripts of testimony, minutes of proceedings, exhibits, and other
9 records of the grand jury, and, except as provided in sub. (2), shall deliver them as
10 the jury directs either to the attorney general or to the district attorney, ~~or upon,~~

11 (2) Upon approval of the court, the grand jury may direct its clerk to deliver
12 them grand jury materials collected under sub. (1) to the clerk of the court, who shall
13 impound them subject to the further order or orders of the court.

14 **SECTION 550.** 968.51 of the statutes is renumbered 968.275 and amended to
15 read:

16 **968.275 Indictment not to be disclosed.** ~~No grand juror or officer of the~~
17 ~~court, if~~ If the court shall so order, shall orders, no grand juror or officer of the court
18 may disclose the fact that any indictment for a felony has been found against that
19 the grand jury has indicted any person not in custody or under recognizance,
20 otherwise than by issuing or executing process on such indictment, until ~~such~~ the
21 person has been arrested.

22 **SECTION 551.** 968.52 of the statutes is renumbered 968.285 and amended to
23 read:

24 **968.285 Votes not to be disclosed.** No grand juror may be allowed to state
25 ~~or testify~~ disclose in any court in ~~what manner~~ how he or she or any other member

1 ~~of the jury grand juror voted or what opinion any grand juror expressed on any~~
2 ~~question before them, or what opinion was expressed by any juror in relation to the~~
3 ~~question~~ the grand jury.

4 **SECTION 552.** 968.53 of the statutes is renumbered 968.295 and amended to
5 read:

6 **968.295 When testimony may be disclosed.** ~~Members of the grand jury and~~
7 ~~any grand jury reporter may be required by any court~~ Notwithstanding any oath or
8 affirmation required under s. 968.165 or 968.185 (2), any court may require grand
9 jurors and grand jury reporters to testify whether the testimony of a witness
10 examined before the jury is consistent with or different from the evidence given by
11 the witness before the court; ~~and they.~~ Notwithstanding any oath or affirmation
12 required under s. 968.165 or 968.185 (2), the court may also be required require
13 grand jurors and grand jury reporters also to disclose the testimony given before the
14 grand jury by any person upon a complaint against the person for perjury; or upon
15 trial for the offense. ~~Any~~ If the court receives in evidence any transcript of testimony
16 taken before the grand jury and certified by a, ~~the grand jury reporter to have~~
17 reporter's certification that the transcript has been carefully compared by the
18 reporter with his or her minutes of testimony ~~so taken and to be~~ is a true and correct
19 transcript of all or a specified portion of the transcript, ~~may be received in evidence~~
20 with shall have the same effect as the oral testimony of the reporter to the facts so
21 certified, but the reporter may be cross-examined by any party as to the matter.

22 **SECTION 553.** 968.585 (2) (ag) of the statutes is created to read:

23 968.585 (2) (ag) The subject of the strip search is a detained person.

24 **SECTION 554.** 968.585 (4m) of the statutes is created to read:

1 designed to assure ensure his or her appearance in court, protect members of the
2 community from serious bodily harm, or prevent the intimidation of witnesses. Bail
3 ~~may be imposed at or after the initial appearance only upon a finding by the court~~
4 ~~that there is a reasonable basis to believe that bail is necessary to assure appearance~~
5 ~~in court. In determining whether any conditions of release are appropriate, the judge~~
6 ~~shall first consider the likelihood of the defendant appearing for trial if released on~~
7 ~~his or her own recognizance.~~

8 SECTION 566. 969.01 (2) (title) of the statutes is repealed.

9 SECTION 567. 969.01 (2) (a) of the statutes is renumbered 969.31 (2) and
10 amended to read:

11 969.31 (2) AFTER CONVICTION. ~~Release pursuant to s. 969.02 or 969.03 may be~~
12 ~~allowed in the discretion of~~ In its discretion the trial court may allow release on
13 conditions after conviction and prior to sentencing ~~or the granting of probation.~~ This
14 paragraph does not apply to a conviction for a 3rd or subsequent violation that is
15 counted as a suspension, revocation, or conviction under s. 343.307, or under s.
16 940.09 (1) or 940.25 in the person's lifetime, or a combination thereof.

17 SECTION 568. 969.01 (2) (b) and (c) of the statutes are consolidated, renumbered
18 974.09 (1) (a) and amended to read:

19 974.09 (1) (a) ~~In misdemeanors, release may be allowed upon appeal in the~~
20 ~~discretion of the trial court.~~ ~~(e) In and felonies, release may be allowed upon appeal~~

21 in the discretion of the trial court pursuant to s. 809.31, 969.32, 969.33, 969.37,

****NOTE: Possible cross-reference issues--now that these provisions are out of ch. 969, should s. 704.16 (1) (b) 4. and (3) (b) 2. d. reference s. 974.09--conditions of release pending appeal? How about 781.04 (1), 911.01 (4) (c), 938.18 (8), 938.35 (1) (cm), 938.396 (2g) (d), 946.49 (1) (intro.), 950.08 (2g) (e), and 967.08 (1) and (3) (a)? And with the change of chapters, the "this chapter" in ss. 969.08 (8), 969.09 (3), 969.12 (1) and (2), and 969.13 (5) (a), will need to be looked at, too.

969.38 ✓
969.39, 969.4 ✓
969.41 ✓
and 969.42 ✓

1 **SECTION 569.** 969.01 (2) (d) of the statutes is renumbered 974.09 (1) (b) and
2 amended to read:

3 974.09 (1) (b) The supreme court or a justice thereof or the court of appeals or
4 a judge thereof may allow release ~~after conviction~~ pending appeal.

5 **SECTION 570.** 969.01 (2) (e) of the statutes is renumbered 974.09 (1) (c).

6 **SECTION 571.** 969.01 (3) of the statutes is renumbered 969.52 and amended to
7 read:

8 **969.52 ~~Bail for witness~~ Arrest of a witness and release on bond.** If A
9 judge may issue a warrant for the arrest of a person who is not in court, other than
10 the defendant, if it appears by from an affidavit or examination under oath that there
11 is probable cause to believe that the person's testimony ~~of a person~~ is material in any
12 felony a criminal proceeding and that it may become impracticable to secure the
13 person's presence by subpoena, the judge may require such person to give bail for.
14 Upon return of the warrant, the court may set conditions of release to secure the
15 person's appearance as a witness. ~~If the witness is not in court, a warrant for the~~
16 person's arrest may be issued and upon return thereof the court may require the
17 person to give bail as provided in s. 969.03 for the person's appearance as a witness.
18 If the person fails to give bail, the person may be committed satisfy the conditions
19 of release, the court may commit the person to the custody of the sheriff for a period
20 not to exceed 15 days, within which time the person's deposition shall be taken as
21 provided in, upon notice to the parties under s. 967.04 967.21. After the deposition
22 has been subscribed, the court shall discharge the witness.

23 **SECTION 572.** 969.01 (4) of the statutes is renumbered 969.33 (1) (intro.) and
24 amended to read:

1 969.33 (1) CONSIDERATIONS IN SETTING CONDITIONS OF RELEASE. (intro.) ~~If bail is~~
2 ~~imposed, it shall be only in the amount found necessary to assure the appearance of~~
3 ~~the defendant. Conditions of release, other than monetary conditions, may be~~
4 ~~imposed for the purpose of protecting members of the community from serious bodily~~
5 ~~harm or preventing intimidation of witnesses. Proper considerations in In~~
6 determining whether to release the defendant without bail, monetary conditions, in
7 fixing monetary conditions in a reasonable amount of ~~bail or, or in~~ imposing other
8 reasonable conditions of ~~release are: the, the court, judge, or justice may consider,~~
9 without limitation, any of the following:

10 (a) The ability of the arrested person to give bail, ~~the.~~

11 (b) The nature, number, and gravity of the alleged offenses and the potential
12 penalty the defendant faces, ~~whether.~~

13 (c) Whether the alleged acts were violent in nature, ~~the.~~

14 (d) The defendant's prior ~~record of criminal convictions and delinquency~~
15 ~~adjudications~~ criminal record, if any, ~~the.~~

16 (e) The character, health, residence, and reputation of the defendant, ~~the.~~

17 (f) The character and strength of the evidence which has been presented to the
18 judge, ~~whether.~~

19 (g) Whether the defendant is currently on probation, extended supervision or
20 parole, ~~whether.~~

21 (h) Whether the defendant is already ~~on bail or~~ subject to other release
22 conditions in other pending cases, ~~whether the defendant has been bound over for~~
23 ~~trial after a preliminary examination, whether.~~

24 (i) Whether the defendant has in the past forfeited bail bond or violated a
25 condition of release or was a fugitive from justice at the time of arrest, ~~and the.~~

1 (j) The policy against unnecessary detention of the defendant's a defendant
2 pending trial.

3 SECTION 573. 969.02 (title), (1), (2), (2m), (3) (a), (b), (c) and (d), (4), (4m), (5),
4 (6), (7), (7m) and (8) of the statutes are repealed.

5 SECTION 574. 969.02 (3) (e) of the statutes, as created by 2011 Wisconsin Act
6 266, is renumbered 969.33 (5) (g) and amended to read:

7 969.33 (5) (g) If the person defendant is charged with violating a restraining
8 order or injunction issued under s. 813.12 or 813.125, ~~may require the person~~
9 requiring the defendant to participate in mental health treatment, a batterer's
10 intervention program, or individual counseling. The judge court shall consider a
11 request by the district attorney or the petitioner, as defined in s. 301.49 (1) (c), in
12 determining whether to issue an order under this paragraph.

13 SECTION 575. 969.03 of the statutes is repealed.

14 SECTION 576. 969.035 of the statutes is renumbered 969.43, and 969.43 (4), (5),
15 (7), (8) and (10), as renumbered, are amended to read:

16 969.43 (4) If the court determines that the district attorney has complied with
17 sub. (3), the court may order that the detention of a person who is currently in custody
18 be continued or may issue a warrant commanding any law enforcement officer to
19 bring the defendant without unnecessary delay before the court. When the
20 defendant is brought before the court, he or she shall be given a copy of the documents
21 specified in sub. (3) and informed of his or her rights under this section and s. 970.02
22 (1) and (6) 971.027.

23 (5) A pretrial detention hearing is a hearing before a court for the purpose of
24 determining if the continued detention of the defendant is justified. A pretrial
25 detention hearing may be held in conjunction with a preliminary examination under

INS
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plain space

1

~~s. 970.03 or a~~ conditional release revocation hearing under s. ~~969.08~~ 969.44 (5) (b),

2

but separate findings shall be made by the court relating to the pretrial detention,

3

~~preliminary examination~~ and conditional release revocation. The pretrial detention

4

hearing shall be commenced within 10 days from the date the defendant is detained

5

or brought before the court under sub. (4). The defendant may not be denied release

6

from custody ~~in accordance with s. 969.03~~ for more than 10 days prior to the hearing

7

required by this subsection.

969.51(1)

8

(7) If the court does not make the findings under sub. (6) (a) and (b) and the

9

defendant is otherwise eligible, the defendant shall be released from custody with or

10

without conditions in accordance with ~~s. 969.03~~ ss. 969.31 to 969.33.

11

(8) If the court makes the findings under sub. (6) (a) and (b), the court may deny

12

bail to the defendant for an additional period not to exceed 60 days following the

13

hearing. If the time period passes and the defendant is otherwise eligible, he or she

14

shall be released from custody with or without conditions in accordance with s. ~~s.~~

15

~~969.03~~ ss. 969.31 to 969.33.

16

(10) The defendant may petition the court to be released from custody with or

17

without conditions in accordance with ~~s. 969.03~~ ss. 969.31 to 969.33 at any time.

18

SECTION 577. 969.04 of the statutes is renumbered 969.40 and amended to

19

read:

20

969.40 Surety may satisfy default. Any If a defendant fails to comply with

21

the conditions of his or her bond, any surety may, ~~after default,~~ pay to the clerk of the

22

~~court~~ the amount for which the surety was bound, or such lesser sum as the court,

23

after notice and hearing, may direct, and thereupon be discharged.

24

SECTION 578. 969.05 of the statutes is repealed.