

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

9 **SECTION 286.** 940.32 (2m) (d) of the statutes is amended to read:

10 940.32 (2m) (d) The person violates s. ~~968.31~~ 968.345 (1) or ~~968.34~~ 968.376 (1)
11 in order to facilitate the violation.

12 **SECTION 287.** 940.48 (intro.) of the statutes is amended to read:

13 **940.48 Violation of court orders.** (intro.) Whoever violates an order issued
14 under s. 940.47 or violates any condition of a bond required under s. 969.33 (4) (d)
15 may be punished as follows:

16 **SECTION 288.** 940.49 of the statutes is repealed.

17 **SECTION 289.** 941.28 (5) of the statutes is amended to read:

18 941.28 (5) Any firearm seized under this section is subject to s. ~~968.20 (3)~~
19 175.27 (1) and is presumed to be contraband.

20 **SECTION 290.** 941.29 (3) of the statutes is amended to read:

21 941.29 (3) Any firearm involved in an offense under sub. (2) is subject to s.
22 ~~968.20 (3)~~ 175.27 (1).

23 **SECTION 291.** 943.245 (3m) of the statutes is amended to read:

24 943.245 (3m) Any recovery under this section shall be reduced by the amount
25 recovered as restitution for the same act under ss. 800.093 and 973.20 or as

1 recompense under s. ~~969.13 (5) (a)~~ 969.42 for the same act and by any amount
2 collected in connection with the act and paid to the plaintiff under a deferred
3 prosecution agreement under s. 971.41.

4 **SECTION 292.** 943.51 (3r) of the statutes is amended to read:

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

8 **SECTION 293.** 946.42 (3) (g) of the statutes is amended to read:

9 946.42 (3) (g) Committed to the department of health services under ch. ~~971~~
10 975, 2011 stats., or ch. 975.

11 **SECTION 294.** 946.49 (1) (intro.) of the statutes is amended to read:

12 946.49 (1) (intro.) Whoever, having been released from custody under s. 974.09
13 or ch. 969, intentionally fails to comply with the terms of his or her bond is:

14 **SECTION 295.** 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 296.** 946.52 of the statutes, as affected by 2013 Wisconsin Act 20,
19 section 1922, is amended to read:

20 **946.52 Failure to submit biological specimen.** Whoever intentionally fails
21 to comply with a requirement to submit a biological specimen under s. 165.76, 165.84
22 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), ~~970.02 (8)~~ 971.027 (7), 973.047, or 980.063
23 is guilty of a Class A misdemeanor.

24 **SECTION 297.** 946.60 (1) of the statutes is amended to read:

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

7 **SECTION 298.** 946.86 (2) of the statutes is amended to read:

8 946.86 (2) Any criminal complaint alleging violation of s. 946.83 or 946.85 shall
9 allege the extent of property subject to forfeiture under this section. At trial, the trier
10 of fact shall return a special verdict determining the extent of property, if any, to be
11 subject to forfeiture under this section. When a special verdict contains a finding of
12 property subject to a forfeiture under this section, a judgment of criminal forfeiture
13 shall be entered along with the judgment of conviction under s. ~~972.13~~ 972.28.

14 **SECTION 299.** 946.87 (2) (am) of the statutes is amended to read:

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

23 **SECTION 300.** 948.015 (9) of the statutes is amended to read:

1 948.015 (9) A crime that involves an act of domestic abuse, as defined in s.
2 ~~968.075~~ 969.27 (1) (a), if the court includes in its reasoning under s. 973.017 (10m)
3 for its sentencing decision the aggravating factor under s. 973.017 (6m).

4 **SECTION 301.** 948.31 (5) of the statutes is amended to read:

5 948.31 (5) The venue of an action under this section is prescribed in s. ~~971.19~~
6 970.14 (8).

7 **SECTION 302.** 948.50 (4) (c) of the statutes is amended to read:

8 948.50 (4) (c) Is committed, transferred, or admitted under ch. 975, 2011 stats.,
9 or ch. 51,~~971~~ or 975.

10 **SECTION 303.** 948.50 (5) of the statutes is amended to read:

11 948.50 (5) This section does not apply to any law enforcement officer
12 conducting a strip search under s. ~~968.255~~ 968.585.

13 **SECTION 304.** 949.165 (1) (a) of the statutes is amended to read:

14 949.165 (1) (a) “Serious crime” has the meaning designated in s. ~~969.08~~ (10)
15 969.51 (7) (b) and includes solicitation, conspiracy or attempt to commit a serious
16 crime.

17 **SECTION 305.** 949.165 (9) of the statutes is amended to read:

18 949.165 (9) INTERPLEADER. If a court determines that a person accused of a
19 serious crime is incompetent to proceed under s. ~~971.14~~ 975.34 or if the charges are
20 dismissed without prejudice, the department shall bring an action of interpleader to
21 determine the disposition of the escrow account.

22 **SECTION 306.** 950.04 (1v) (b) of the statutes is amended to read:

23 950.04 (1v) (b) To attend court proceedings in the case, subject to ss. 906.15 and
24 938.299 (1). The court may require the victim to exercise his or her right under this
25 paragraph using telephone or live audiovisual means, if available, if the victim is

1 under arrest, incarcerated, imprisoned or otherwise detained by any law
2 enforcement agency or is admitted or committed on an inpatient basis to a treatment
3 facility under ch. 51, ~~971~~ 975, or 980, and the victim does not have a person specified
4 in s. 950.02 (4) (a) 3. to exercise the victim's right under this paragraph.

5 **SECTION 307.** 950.04 (1v) (d) of the statutes is amended to read:

6 950.04 (1v) (d) To request an order for, and to be given the results of, testing
7 to determine the presence of a communicable disease, as provided under ~~ss. s.~~
8 ~~938.296 or 968.38~~ 968.725.

9 **SECTION 308.** 950.04 (1v) (dL) of the statutes is amended to read:

10 950.04 (1v) (dL) To not be the subject of a law enforcement officer's or district
11 attorney's order, request, or suggestion that he or she submit to a test using a lie
12 detector, as defined in s. 111.37 (1) (b), if he or she claims to have been the victim of
13 a sexual assault under s. 940.22 (2), 940.225, 948.02 (1) or (2), or 948.085, except as
14 permitted under s. ~~968.265~~ 968.595.

15 **SECTION 309.** 950.04 (1v) (e) of the statutes is amended to read:

16 950.04 (1v) (e) To be provided a waiting area under ss. 938.2965 and ~~967.10~~
17 967.23.

18 **SECTION 310.** 950.04 (1v) (em) of the statutes is amended to read:

19 950.04 (1v) (em) To have his or her interests considered by the court in
20 determining whether to exclude persons from a ~~preliminary probable cause or~~
21 retention hearing concerning a juvenile, as provided under s. ~~970.03 (4)~~ 971.75.

22 **SECTION 311.** 950.04 (1v) (g) of the statutes is amended to read:

23 950.04 (1v) (g) To have reasonable attempts made to notify the victim of
24 hearings or court proceedings, as provided under ss. 302.113 (9g) (g) 2., 302.114 (6),
25 938.27 (4m) and (6), 938.273 (2), 971.095 (3), and ~~972.14~~ 973.003 (3) (b).

1 **SECTION 312.** 950.04 (1v) (L) of the statutes is amended to read:

2 950.04 (1v) (L) To have the district attorney or corporation counsel, whichever
3 is applicable, make a reasonable attempt to contact the victim concerning the
4 victim's right to make a statement, as provided under ss. 938.32 (1) (b) 2., 938.335
5 (3m) (b) and ~~972.14~~ 973.003 (3) (b).

6 **SECTION 313.** 950.04 (1v) (m) of the statutes is amended to read:

7 950.04 (1v) (m) To provide statements concerning sentencing, disposition, or
8 parole, as provided under ss. 304.06 (1) (e), 938.32 (1) (b) 1g., 938.335 (3m) (ag), and
9 ~~972.14~~ 973.003 (3) (a).

10 **SECTION 314.** 950.04 (1v) (p) of the statutes is amended to read:

11 950.04 (1v) (p) To have the person preparing a presentence investigation under
12 s. ~~972.15~~ 973.004 make a reasonable attempt to contact the victim, as provided in s.
13 ~~972.15~~ 973.004 (2m).

14 **SECTION 315.** 950.04 (1v) (qm) of the statutes is amended to read:

15 950.04 (1v) (qm) To recompense as provided under s. ~~969.13 (5) (a)~~ 969.42.

16 **SECTION 316.** 950.04 (1v) (s) of the statutes is amended to read:

17 950.04 (1v) (s) To have any stolen or other personal property expeditiously
18 returned by law enforcement agencies when no longer needed as evidence, subject
19 to s. ~~968.205~~ 968.645. If feasible, all such property, except weapons, currency,
20 contraband, property subject to evidentiary analysis, property subject to
21 preservation under s. ~~968.205~~ 968.645, and property the ownership of which is
22 disputed, shall be returned to the person within 10 days of being taken.

23 **SECTION 317.** 950.04 (1v) (um) of the statutes is amended to read:

1 950.04 (1v) (um) To have district attorneys make a reasonable attempt to notify
2 the victim under s. ~~971.17 (4m)~~ 975.62 (2) regarding conditional releases under s.
3 ~~971.17~~ 975.57 (4) or 975.59.

4 **SECTION 318.** 950.04 (1v) (x) of the statutes is amended to read:

5 950.04 (1v) (x) To have the department of health services make a reasonable
6 attempt to notify the victim under s. ~~971.17 (6m)~~ 975.62 (3) regarding termination
7 or discharge under s. ~~971.17~~ 975.60 or 975.61 and under s. 51.37 (10) regarding home
8 visits under s. 51.37 (10).

9 **SECTION 319.** 950.04 (2w) (f) of the statutes is amended to read:

10 950.04 (2w) (f) To be provided a waiting area under ss. 938.2965 and ~~967.10~~
11 967.23.

12 **SECTION 320.** 950.055 (2) (b) of the statutes is amended to read:

13 950.055 (2) (b) Advice to the judge, when appropriate and as a friend of the
14 court, regarding the child's ability to understand proceedings and questions. The
15 services may include providing assistance in determinations concerning the taking
16 of depositions by audiovisual means under s. 908.08 or ~~967.04 (7) and (8)~~ 967.22 and
17 the duty to expedite proceedings under ~~s. ss. 938.315 (2) and~~ 971.105.

18 **SECTION 321.** 950.08 (2g) (c) of the statutes is amended to read:

19 950.08 (2g) (c) The address and telephone number of the intake worker,
20 corporation counsel, or district attorney whom the victim may contact to obtain
21 information concerning the rights of victims and to request notice of court
22 proceedings under ss. 938.27 (4m) and (6), 938.273 (2), 938.299 (1) (am) and 938.335
23 (3m) (b) or ss. 971.095 (3) and ~~972.14~~ 973.003 (3) (b), whichever is applicable, and to
24 request the opportunity to confer under ~~ss. s.~~ 938.245 (1m), 938.265, or 938.32 (1)
25 (am) or s. 971.095 (2), whichever is applicable.

1 **SECTION 322.** 950.08 (2g) (e) of the statutes is amended to read:

2 950.08 (2g) (e) The address and telephone number of the custodial agency that
3 the victim may contact for information concerning release under s. 938.20 ~~or~~, 938.21,
4 or 974.09 or ch. 969, whichever is appropriate, of a person arrested or taken into
5 custody for the crime of which he or she is a victim.

6 **SECTION 323.** 950.08 (2r) (intro.) of the statutes is amended to read:

7 950.08 (2r) INFORMATION TO BE PROVIDED BY A DISTRICT ATTORNEY IN CRIMINAL
8 CASES. (intro.) As soon as practicable, but in no event later than 10 days after the
9 initial appearance under s. ~~970.01~~ or 24 hours before a preliminary examination
10 under s. ~~970.03~~, whichever is earlier, subch. I of ch. 971 of a person charged with a
11 crime in a court of criminal jurisdiction, a district attorney shall make a reasonable
12 attempt to provide to each victim of the crime written information on all of the
13 following:

14 **SECTION 324.** 951.01 (4) of the statutes is amended to read:

15 951.01 (4) “Law enforcement officer” has the meaning assigned under s. ~~967.02~~
16 ~~(5) 967.025 (13)~~ but does not include a conservation warden appointed under s. 23.10.

17 **SECTION 325.** 961.48 (2m) (a) of the statutes is amended to read:

18 961.48 (2m) (a) Whenever a person charged with a felony offense under this
19 chapter may be subject to a conviction for a 2nd or subsequent offense, he or she is
20 not subject to an enhanced penalty under sub. (1) unless any applicable prior
21 convictions are alleged in the complaint, or indictment ~~or information~~ or in an
22 amended complaint, or indictment ~~or information~~ that is filed under par. (b) 1. A
23 person is not subject to an enhanced penalty under sub. (1) for an offense if an
24 allegation of applicable prior convictions is withdrawn by an amended complaint or
25 indictment filed under par. (b) 2.

1 **SECTION 326.** 961.48 (2m) (b) (intro.) of the statutes is amended to read:

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

6 **SECTION 327.** 961.56 (1) of the statutes is amended to read:

7 961.56 (1) It is not necessary for the state to negate any exemption or exception
8 in this chapter in any complaint, ~~information~~, indictment, or other pleading or in
9 any trial, hearing or other proceeding under this chapter. The burden of proof of any
10 exemption or exception is upon the person claiming it.

11 **SECTION 328.** 967.01 of the statutes is amended to read:

12 **967.01 Title and effective date.** Chapters 967 to 979 may be referred to as
13 the criminal procedure code and shall be interpreted as a unit. Chapters 967 to 979
14 shall govern all criminal proceedings and is effective on July 1, 1970. ~~Chapters 967~~
15 ~~to 979 apply in all prosecutions commenced on or after that date. Prosecutions~~
16 ~~commenced prior to July 1, 1970, shall be governed by the law existing prior thereto.~~

17 **SECTION 329.** 967.02 (title) of the statutes is repealed.

18 **SECTION 330.** 967.02 (intro.) of the statutes is renumbered 967.025 (intro.).

19 **SECTION 331.** 967.02 (1) of the statutes is renumbered 967.025 (4) and amended
20 to read:

21 967.025 (4) “Clerk” means the clerk of circuit court of the county ~~including and~~
22 includes the clerk’s deputies.

23 **SECTION 332.** 967.02 (2) of the statutes is renumbered 967.025 (9) and amended
24 to read:

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

3 **SECTION 333.** 967.02 (3) and (4) of the statutes are repealed.

4 **SECTION 334.** 967.02 (5) of the statutes is renumbered 967.025 (13).

5 **SECTION 335.** 967.02 (6) of the statutes is renumbered 967.025 (12) and
6 amended to read:

7 967.025 (12) “Judge” means judge of ~~a~~ the circuit court of record and includes
8 a court commissioner acting within the scope of authority conferred under s. 757.69.

9 **SECTION 336.** 967.02 (7) of the statutes is renumbered 967.025 (6) and amended
10 to read:

11 967.025 (6) “Court” means the circuit court unless otherwise indicated and
12 includes a court commissioner acting within the scope of authority conferred under
13 s. 757.69.

14 **SECTION 337.** 967.02 (8) of the statutes is repealed.

15 **SECTION 338.** 967.025 (title) of the statutes is created to read:

16 **967.025 (title) Definitions.**

17 **SECTION 339.** 967.025 (2) of the statutes is created to read:

18 967.025 (2) “Bond” means a promise by a person in custody to appear in court
19 as required and to comply with other conditions.

20 **SECTION 340.** 967.025 (3) of the statutes is created to read:

21 967.025 (3) “Citation” means a directive, issued by a law enforcement officer,
22 that a person appear in court or the district attorney’s office.

23 **SECTION 341.** 967.025 (5) of the statutes is created to read:

24 967.025 (5) “Complaint” or “criminal complaint” means the written statement
25 of the essential facts constituting the crime charged that is issued by a district

1 attorney. “Complaint” or “criminal complaint” includes a citation endorsed by a
2 district attorney under s. 969.24 (5).

3 **SECTION 342.** 967.025 (7) of the statutes is created to read:

4 967.025 (7) “Crime” means conduct that is prohibited by state law and
5 punishable by fine or imprisonment or both. Conduct punishable only by a forfeiture
6 is not a crime.

7 **SECTION 343.** 967.025 (8) of the statutes is created to read:

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

10 **SECTION 344.** 967.025 (10) of the statutes is created to read:

11 967.025 (10) “District attorney” includes any duly qualified deputies and
12 assistants and includes a special prosecutor under s. 978.045, a person assisting
13 under s. 978.05 (8) (b), and the attorney general in cases in which he or she is
14 authorized to investigate or prosecute.

15 **SECTION 345.** 967.025 (11) of the statutes is created to read:

16 967.025 (11) “Felony” means a crime punishable by imprisonment in the
17 Wisconsin state prisons, but does not include a crime that is punishable by
18 imprisonment in prison only as a result of the application of a penalty increase
19 provision that does not specifically provide that application of the penalty increase
20 makes the crime a felony.

21 **SECTION 346.** 967.025 (14) of the statutes is created to read:

22 967.025 (14) “Misdemeanor” means a crime other than a felony.

23 **SECTION 347.** 967.025 (15) of the statutes is created to read:

24 967.025 (15) “Motion” means an application for an order.

25 **SECTION 348.** 967.025 (16) of the statutes is created to read:

1 967.025 (16) “Read-in crime” means any crime that is uncharged or that is
2 dismissed as part of a plea agreement, that the defendant agrees to have considered
3 by the court at the time of sentencing, and that the court considers at the time of
4 sentencing the defendant for the crime for which the defendant was convicted.

5 **SECTION 349.** 967.025 (17) of the statutes is created to read:

6 967.025 (17) “Sentencing” means the imposition of a sentence, fine, or
7 probation.

8 **SECTION 350.** 967.03 of the statutes is repealed.

9 **SECTION 351.** 967.04 (title), (1), (2), (3), (4), (5) and (6) of the statutes are
10 renumbered 967.21 (title), (1), (2), (3), (4), (5) and (6), and 967.21 (title), (1) and (4)
11 (a), as renumbered, are amended to read:

12 **967.21 (title) Depositions in criminal proceedings generally. (1)**
13 CIRCUMSTANCE UNDER WHICH PERMITTED. If it appears that a prospective witness may
14 be unable to attend or prevented from attending a criminal trial or hearing, that the
15 prospective witness’s testimony is material and that it is necessary to take the
16 prospective witness’s deposition in order to prevent a failure of justice, the court at
17 any time after the filing of an indictment or ~~information~~ complaint may upon motion
18 and notice to the parties order that the prospective witness’s testimony be taken by
19 deposition and that any designated books, papers, documents, or tangible objects,
20 not privileged, be produced at the same time and place. If a witness is committed
21 pursuant to s. ~~969.01(3)~~ 969.52, the court shall direct that the witness’s deposition
22 be taken upon notice to the parties. ~~After the deposition has been subscribed, the~~
23 ~~court shall discharge the witness.~~

24 (4) (a) If the state or a witness procures such an order under sub. (1), the notice
25 shall inform the defendant that the defendant is required to personally attend at the

1 taking of the deposition and that the defendant's failure so to do is a waiver of the
2 defendant's right to face the witness whose deposition is to be taken. Failure to
3 attend shall constitute a waiver unless the defendant was physically unable to
4 attend.

5 **SECTION 352.** 967.04 (7) (a) of the statutes is renumbered 967.22 (1) and
6 amended to read:

7 967.22 (1) CIRCUMSTANCE UNDER WHICH PERMITTED. In any criminal prosecution
8 or any proceeding under ch. 48 or 938, any party may move the court to order that
9 a deposition of a child who has been or is likely to be called as a witness be taken by
10 audiovisual means. Upon notice and hearing, the court may issue an order for such
11 a deposition if the trial or hearing in which the child may be called will commence
12 before one of the following:

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

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

17 **SECTION 353.** 967.04 (7) (b) of the statutes is renumbered 967.22 (2), and 967.22
18 (2) (intro.), (a), (c), (f), (g) and (h), as renumbered, are amended to read:

19 967.22 (2) DETERMINING INTERESTS OF JUSTICE. Among the factors ~~which that~~ the
20 court may consider in determining the interests of justice are any of the following:

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

24 (c) Whether the events about which the child will testify constituted criminal
25 or antisocial conduct against the child or a person with whom the child had a close

1 emotional relationship and, if the conduct constituted a battery or a sexual assault,
2 its duration and the extent of physical or emotional injury ~~thereby~~ caused by the
3 battery or sexual assault.

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

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

12 (h) Whether the child manifests or has manifested symptoms associated with
13 posttraumatic stress disorder or other mental disorders, including, ~~without~~
14 ~~limitation~~, reexperiencing the events, fear of their repetition, withdrawal,
15 regression, guilt, anxiety, stress, nightmares, enuresis, lack of self-esteem, mood
16 changes, compulsive behaviors, school problems, delinquent or antisocial behavior,
17 phobias, or changes in interpersonal relationships.

18 **SECTION 354.** 967.04 (8) of the statutes is renumbered 967.22 (3), and 967.22
19 (3) (a) and (b) (intro.) and 4., as renumbered, are amended to read:

20 967.22 (3) PROCEDURES. (a) If the court orders a deposition under sub. ~~(7)~~ (1),
21 the judge shall preside at the taking of the deposition and enforce compliance with
22 the applicable provisions of ss. 885.44 to 885.47. Notwithstanding s. 885.44 (5),
23 counsel may make objections and the judge shall make rulings thereon as at trial.
24 The clerk ~~of court~~ shall keep the certified original recording of a deposition taken
25 under sub. ~~(7)~~ (1) in a secure place. No person may inspect or copy the deposition

1 except by order of the court upon a showing that inspection or copying is required for
2 editing under s. 885.44 (12) or for the investigation, prosecution, or defense of the
3 action in which it was authorized or the provision of services to the child.

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

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

11 **SECTION 355.** 967.04 (9) of the statutes is renumbered 967.22 (4) and amended
12 to read:

13 967.22 (4) USE AT TRIAL, HEARING, OR OTHER PROCEEDING. In any criminal
14 prosecution or juvenile fact-finding hearing under s. 48.31 or 938.31, the court may
15 admit into evidence a recorded deposition taken under subs. (7) and (8) this section
16 without an additional hearing under s. 908.08. In any proceeding under s. 302.113
17 (9) (am), 302.114 (9) (am), 304.06 (3), or 973.10 (2), the hearing examiner may order
18 that a deposition be taken by audiovisual means and preside at the taking of the
19 deposition using the procedure provided in subs. (7) and (8) this section and may
20 admit the recorded deposition into evidence without an additional hearing under s.
21 908.08.

22 **SECTION 356.** 967.04 (10) of the statutes is renumbered 967.22 (5) and amended
23 to read:

24 967.22 (5) SUBSEQUENT TESTIMONY. If a court or hearing examiner admits a
25 recorded deposition into evidence under sub. (9) (4), the child may not be called as

1 a witness at the proceeding in which it was admitted unless the court or hearing
2 examiner so orders upon a showing that additional testimony by the child is required
3 in the interest of fairness for reasons neither known nor with reasonable diligence
4 discoverable at the time of the deposition by the party seeking to call the child. The
5 testimony of a child who is required to testify under this subsection may be taken in
6 accordance with s. ~~972.11 (2m)~~ 972.20, if applicable.

7 **SECTION 357.** 967.05 (title) of the statutes is renumbered 970.06 (title) and
8 amended to read:

9 **970.06 (title) Methods of commencing prosecution.**

10 **SECTION 358.** 967.05 (1) (intro.) and (a) of the statutes are consolidated,
11 renumbered 970.06 (1) and amended to read:

12 970.06 (1) A prosecution ~~may be~~ is commenced by the filing of: ~~(a) A~~ a
13 complaint;

14 **SECTION 359.** 967.05 (1) (b) and (c) of the statutes are repealed.

15 **SECTION 360.** 967.05 (2) and (3) of the statutes are repealed.

16 **SECTION 361.** 967.055 of the statutes is renumbered 970.25, and 970.25 (2) (a)
17 and (b), as renumbered, are amended to read:

18 970.25 (2) (a) Notwithstanding s. ~~971.29~~ 970.09, if the prosecutor seeks to
19 dismiss or amend a charge under s. 346.63 (1) or (5) or a local ordinance in conformity
20 therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the
21 use of a vehicle or an improper refusal under s. 343.305, the prosecutor shall apply
22 to the court. The application shall state the reasons for the proposed amendment or
23 dismissal. The court may approve the application only if the court finds that the
24 proposed amendment or dismissal is consistent with the public's interest in deterring
25 the operation of motor vehicles by persons who are under the influence of an

1 intoxicant, a controlled substance, a controlled substance analog or any combination
2 of an intoxicant, controlled substance and controlled substance analog, under the
3 influence of any other drug to a degree which renders him or her incapable of safely
4 driving, or under the combined influence of an intoxicant and any other drug to a
5 degree which renders him or her incapable of safely driving, in deterring the
6 operation of motor vehicles by persons with a detectable amount of a restricted
7 controlled substance in his or her blood, or in deterring the operation of commercial
8 motor vehicles by persons with an alcohol concentration of 0.04 or more. The court
9 may not approve an application to amend the vehicle classification from a
10 commercial motor vehicle to a noncommercial motor vehicle unless there is evidence
11 in the record that the motor vehicle being operated by the defendant at the time of
12 his or her arrest was not a commercial motor vehicle.

13 (b) Notwithstanding s. ~~971.29~~ 970.09, if the prosecutor seeks to dismiss or
14 amend a charge under s. 30.681 (1) or a local ordinance in conformity therewith, a
15 charge under s. 30.681 (2), a charge under s. 30.684 (5) or a local ordinance in
16 conformity therewith or a charge under s. 940.09 or 940.25 if the offense involved the
17 use of a motorboat, except a sailboat operating under sail alone, the prosecutor shall
18 apply to the court. The application shall state the reasons for the proposed
19 amendment or dismissal. The court may approve the application only if the court
20 finds that the proposed amendment or dismissal is consistent with the public's
21 interest in deterring the operation of motorboats by persons who are under the
22 influence of an intoxicant, a controlled substance, a controlled substance analog or
23 any combination of an intoxicant, controlled substance and controlled substance
24 analog, under the influence of any other drug to a degree which renders him or her
25 incapable of operating a motorboat safely, or under the combined influence of an

1 intoxicant and any other drug to a degree which renders him or her incapable of
2 operating a motorboat safely.

3 **SECTION 362.** 967.057 of the statutes is renumbered 970.15 (6).

4 **SECTION 363.** 967.06 (title) of the statutes is repealed.

5 **SECTION 364.** 967.06 (1) and (2) (a) of the statutes are consolidated,
6 renumbered 971.013 and amended to read:

7 **971.013 Determination of indigency; appointment of counsel.** As soon
8 as practicable after a person has been detained or arrested in connection with any
9 offense that is punishable by incarceration, ~~or in connection with any civil~~
10 ~~commitment proceeding,~~ or in any other situation in which a person is entitled to
11 counsel regardless of ability to pay under the constitution or laws of the United
12 States or this state, the person shall be informed of his or her right to counsel. ~~(2)~~
13 ~~(a) Except as provided in par. (b), a~~ A person entitled to counsel under sub. (1) who
14 indicates at any time that he or she wants to be represented by a lawyer, and who
15 claims that he or she is not able to pay in full for a lawyer's services, shall
16 immediately be permitted to contact the authority for indigency determinations
17 specified under s. 977.07 (1). The authority for indigency determination in each
18 county shall have daily telephone access to the county jail in order to identify all
19 persons who are being held in the jail. The jail personnel shall provide by phone
20 information requested by the authority.

21 **SECTION 365.** 967.06 (2) (b) of the statutes is repealed.

22 **SECTION 366.** 967.06 (3) of the statutes is renumbered 977.072.

23 **SECTION 367.** 967.07 of the statutes is repealed.

24 **SECTION 368.** 967.08 (title) of the statutes is renumbered 967.14 (title).

1 **SECTION 369.** 967.08 (1) of the statutes is renumbered 967.14 (1) (intro.) and
2 amended to read:

3 967.14 (1) PROCEEDINGS COVERED. (intro.) Unless good cause to the contrary is
4 shown, the court may permit any of the following proceedings referred to in this
5 section may to be conducted by telephone or live audiovisual means, if available. If
6 the proceeding is required to be reported under SCR 71.01 (2), the on the request of
7 either party:

8 **(5) PROCEDURES.** A proceeding conducted under this section shall be reported
9 recorded by a court reporter who is in simultaneous voice communication with all
10 parties to the proceeding. Regardless of the physical location of any party to the call,
11 any plea, waiver, stipulation, motion, objection, decision, order or other action taken
12 by the court or any party shall have the same effect as if made in open court. With
13 the exceptions of scheduling conferences, pretrial conferences, and, during hours the
14 court is not in session, setting, review, modification of bail and other conditions of
15 release under ch. 969, the if it is required to be reported under SCR 71.01 (2). The
16 proceeding shall be conducted in a courtroom or other place reasonably accessible to
17 the public, with the exception of scheduling conferences, pretrial conferences, and,
18 when the court is not in session, the setting, review, or modification of the conditions
19 of release. Simultaneous access to the proceeding shall be provided to persons
20 entitled to attend by means of a loudspeaker or, upon request to the court, by making
21 a person party to the telephone call without charge.

22 **SECTION 370.** 967.08 (2) (intro.) of the statutes is renumbered 967.14 (3) and
23 amended to read:

24 967.14 (3) REQUESTS AND OBJECTIONS. ~~The court may permit the following~~
25 ~~proceedings to be conducted under sub. (1) on the request of either party. The request~~

1 ~~and the opposing party's showing of good cause for not conducting the proceeding A~~
2 ~~party may make a request under sub. (1) may be made by telephone. The opposing~~
3 ~~party may show good cause by telephone for not conducting the proceeding under this~~
4 ~~section.~~

5 SECTION 371. 967.08 (2) (a) to (c) of the statutes are renumbered 967.14 (1) (a)
6 to (c) and amended to read:

7 967.14 (1) (a) Initial appearance under s. ~~970.01~~ subch. I of ch. 971 or pretrial
8 conference.

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

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

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

13 SECTION 372. 967.08 (2) (d) of the statutes is repealed.

14 SECTION 373. 967.08 (3) (intro.) of the statutes is renumbered 967.14 (1) (f)
15 (intro.) and amended to read:

16 967.14 (1) (f) (intro.) Non-evidentiary proceedings on the following matters
17 ~~may be conducted under sub. (1) on request of either party. The request and the~~
18 ~~opposing party's showing of good cause for not conducting the proceeding under sub.~~
19 ~~(1) may be made by telephone.;~~

20 SECTION 374. 967.08 (3) (a) to (f) of the statutes are renumbered 967.14 (1) (f)
21 1. to 6. and amended to read:

22 967.14 (1) (f) 1. Setting, review, and modification of ~~bail and other~~ conditions
23 of release under s. 974.09 or ch. 969.

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

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

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

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

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

8 **SECTION 375.** 967.09 of the statutes is renumbered 967.14 (6), and 967.14 (6)
9 (title), as renumbered, is amended to read:

10 967.14 (6) (title) INTERPRETERS ~~MAY SERVE BY TELEPHONE OR VIDEO~~.

11 **SECTION 376.** 967.10 of the statutes is renumbered 967.23.

12 **SECTION 377.** 967.11 of the statutes, as affected by 2013 Wisconsin Act 20 is
13 renumbered 970.16.

14 **SECTION 378.** 967.12 (3) of the statutes is created to read:

15 967.12 (3) If trial is waived, when the court accepts the defendant's plea of
16 guilty or no contest.

17 **SECTION 379.** 967.13 (1) (a) and (b) of the statutes are created to read:

18 967.13 (1) (a) The initial appearance.

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

20 **SECTION 380.** 967.13 (1) (i) of the statutes is created to read:

21 967.13 (1) (i) Sentencing.

22 **SECTION 381.** 967.14 (1) (d) of the statutes is created to read:

23 967.14 (1) (d) Entry of a plea other than one that results in a finding of guilt.

24 **SECTION 382.** 967.14 (2) of the statutes is created to read:

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

3 **SECTION 383.** 967.14 (4) of the statutes is created to read:

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

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

8 (b) A sentencing proceeding.

9 **SECTION 384.** 967.21 (2) (title) of the statutes is created to read:

10 967.21 (2) (title) PROCEDURE.

11 **SECTION 385.** 967.21 (3) (title) of the statutes is created to read:

12 967.21 (3) (title) APPLICABILITY OF CIVIL RULES.

13 **SECTION 386.** 967.21 (4) (title) of the statutes is created to read:

14 967.21 (4) (title) ATTENDANCE BY DEFENDANT.

15 **SECTION 387.** 967.21 (5) (title) of the statutes is created to read:

16 967.21 (5) (title) USE AT TRIAL OR HEARING.

17 **SECTION 388.** 967.21 (6) (title) of the statutes is created to read:

18 967.21 (6) (title) OBJECTIONS.

19 **SECTION 389.** 967.22 (title) of the statutes is created to read:

20 **967.22 (title) Deposition of a child by audiovisual means.**

21 **SECTION 390.** 968.01 (title) of the statutes is renumbered 970.07 (title) and
22 amended to read:

23 **970.07 (title) Complaint; contents and oath.**

24 **SECTION 391.** 968.01 (1) (intro.), (a) and (b) of the statutes are renumbered
25 970.07 (1) (intro.), (a) and (b).

1 **SECTION 392.** 968.01 (1) (c) of the statutes is repealed.

2 **SECTION 393.** 968.01 (2) of the statutes is renumbered 970.07 (2) and amended
3 to read:

4 970.07 (2) ~~The complaint is a written statement of the~~ shall specify the time
5 and place each crime charged was committed, the section of the statutes alleged to
6 have been violated, and the maximum penalty prescribed for each crime charged.
7 The complaint shall include a statement of the essential facts constituting the
8 offense crime charged. ~~A person may make a complaint on, signed by the person on~~
9 whose knowledge, information, and belief the statement is based.

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

12 **SECTION 394.** 968.01 (3) of the statutes is renumbered 970.07 (4) and amended
13 to read:

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

21 **SECTION 395.** 968.01 (4) of the statutes is renumbered 970.07 (5).

22 **SECTION 396.** Subchapter I (title) of chapter 968 [precedes 968.015] of the
23 statutes is created to read:

24

CHAPTER 968

1 SUBCHAPTER I

2 INQUESTS

3 SECTION 397. 968.02 (title) and (1) of the statutes are renumbered 970.08 (title)
4 and (1) and amended to read:

5 **970.08 (title) ~~Issuance and filing of complaints~~ Filing the complaint.**

6 (1) ~~Except as otherwise provided in this section, a complaint charging a person with~~
7 ~~an offense shall be issued only by a~~ Only the district attorney of the county where
8 the a crime is ~~alleged to have been committed.~~ ~~A complaint is issued when it is~~
9 ~~approved for filing by the district attorney. The approval shall be in the form of a~~
10 ~~written endorsement on the complaint~~ may be tried under s. 970.14 may file a
11 complaint.

12 SECTION 398. 968.02 (2) of the statutes is repealed.

13 SECTION 399. 968.02 (3) of the statutes is repealed.

14 SECTION 400. 968.02 (4) of the statutes is repealed.

15 SECTION 401. 968.025 (title) of the statutes is created to read:

16 **968.025 (title) Inquest procedures.**

17 SECTION 402. 968.025 (3) of the statutes is created to read:

18 968.025 (3) WHERE CONDUCTED. An inquest may be held in any county in this
19 state in which venue would lie for the trial of any offense that could be charged as
20 the result of or involving the death.

21 SECTION 403. 968.025 (4) (title) of the statutes is created to read:

22 968.025 (4) (title) JURY SELECTION.

23 SECTION 404. 968.025 (4) (e) of the statutes is created to read:

24 968.025 (4) (e) The court shall select the inquest jury by lot once a panel of at
25 least 12 potential jurors has been qualified. If the inquest is likely to be protracted,

1 the judge may select also one or more alternate jurors by lot. If more than 6 jurors
2 remain after all of the evidence is presented, the court shall determine by lot which
3 jurors will not participate in deliberations and discharge them.

4 **SECTION 405.** 968.03 (title) and (3) of the statutes are repealed.

5 **SECTION 406.** 968.03 (1) of the statutes is repealed.

6 **SECTION 407.** 968.03 (2) of the statutes is renumbered 969.20 (8) and amended
7 to read:

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

14 **SECTION 408.** 968.035 (title) of the statutes is created to read:

15 **968.035 (title) Witnesses.**

16 **SECTION 409.** 968.04 (title) of the statutes is renumbered 969.20 (title) and
17 amended to read:

18 **969.20 (title) Warrant Issuance of arrest warrant or summons on**
19 **complaint.**

20 **SECTION 410.** 968.04 (1) (intro.) of the statutes is renumbered 969.20 (1) and
21 amended to read:

22 **969.20 (1) WARRANTS IN GENERAL.** ~~If it appears from the complaint, or from an~~
23 ~~affidavit or affidavits filed with the complaint or after an examination under oath of~~
24 ~~the complainant or witnesses, when the a judge determines that this is necessary,~~
25 ~~that there is probable cause to believe that an offense has been committed and that~~

1 the accused has committed it, the judge shall issue a warrant for the arrest of the
2 ~~defendant~~ accused or a summons in lieu thereof. The probable cause determination
3 may be based on a criminal complaint, an affidavit filed with the criminal complaint,
4 or if the judge determines it is necessary, after an examination under oath of the
5 complainant or witness. The warrant or summons shall be delivered ~~forthwith~~ to a
6 law enforcement officer for service. If the judge does not find probable cause to
7 believe that an offense has been committed or that the accused has committed it, the
8 judge shall record that finding on the complaint, file the complaint with the clerk,
9 and dismiss the action without prejudice.

10 **SECTION 411.** 968.04 (1) (a) of the statutes is repealed.

11 **SECTION 412.** 968.04 (1) (b) of the statutes is renumbered 969.20 (4) and
12 amended to read:

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

20 **SECTION 413.** 968.04 (1) (c) of the statutes is renumbered 969.20 (5) and
21 amended to read:

22 969.20 (5) GEOGRAPHICAL LIMITS. A judge issuing an arrest warrant may specify
23 geographical limits for its enforcement ~~of a warrant.~~

24 **SECTION 414.** 968.04 (1) (d) of the statutes is renumbered 969.20 (3) and
25 amended to read:

1 969.20 (3) EXAMINATION BY TELEPHONE. ~~An~~ A judge may permit an examination
2 of the complainant or witness under sub. (1) ~~may or (2)~~ to take place by telephone on
3 request of the person seeking the warrant or summons unless good cause to the
4 contrary appears. The judge shall place each complainant or witness under oath and
5 arrange for all sworn testimony to be recorded, either by a stenographic reporter or
6 by means of a voice recording device. The judge shall have the record transcribed.
7 The transcript, certified as accurate by the judge or reporter, as appropriate, shall
8 be filed with the court. If the testimony was recorded by means of a voice recording
9 device, the judge shall also file the original recording with the court.

10 **SECTION 415.** 968.04 (2) (title) of the statutes is repealed.

11 **SECTION 416.** 968.04 (2) (a) of the statutes is renumbered 969.20 (7) (a) and
12 amended to read:

13 969.20 (7) (a) ~~In~~ After issuing a complaint in any case, the district attorney,
14 ~~after the issuance of a complaint,~~ may issue a summons in lieu of requesting the
15 issuance of a warrant. ~~The complaint~~ district attorney shall then be filed file the
16 complaint with the clerk.

17 **SECTION 417.** 968.04 (2) (b) of the statutes is renumbered 969.20 (7) (b).

18 **SECTION 418.** 968.04 (2) (c) of the statutes is repealed.

19 **SECTION 419.** 968.04 (3) (title) of the statutes is repealed.

20 **SECTION 420.** 968.04 (3) (a) (intro.) of the statutes is renumbered 969.21 (1)
21 (intro.) and amended to read:

22 969.21 (1) ~~WARRANT~~ MANDATORY PROVISIONS. (intro.) ~~The~~ An arrest warrant
23 shall meet all of the following requirements:

24 **SECTION 421.** 968.04 (3) (a) 1. to 6. of the statutes are renumbered 969.21 (1)
25 (a) to (f) and amended to read:

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

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

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

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

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

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

15 **SECTION 422.** 968.04 (3) (a) 7. of the statutes is renumbered 969.26 (1) and
16 amended to read:

17 969.26 (1) ARREST WARRANT. ~~The~~ An arrest warrant shall be in substantially the
18 following form:

19 STATE OF WISCONSIN,

20 County

21 State of Wisconsin

22 vs.

23 (Defendant(s))

24 THE STATE OF WISCONSIN TO ANY LAW ENFORCEMENT OFFICER:

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

6 You are, therefore, commanded to arrest the defendant(s) and bring before
7 ~~me, or, if I am not available, before some other~~ a judge of this county.

8 Dated, (year)

9(Signature)

10(Title)

11 **SECTION 423.** 968.04 (3) (a) 8. of the statutes is repealed.

12 **SECTION 424.** 968.04 (3) (b) (title) of the statutes is renumbered 969.22 (title).

13 **SECTION 425.** 968.04 (3) (b) 1. of the statutes is renumbered 969.22 (1) and
14 amended to read:

15 969.22 (1) MANDATORY PROVISIONS. The summons shall command the defendant
16 to appear before a court at a certain time and place and shall be in substantially the
17 form set forth in ~~subd. 3. s. 969.26 (2).~~ The complaint and summons may be on the
18 same form. If they are, the summons shall be beneath the complaint. If separate
19 forms are used, a copy of the complaint shall be attached to the summons.

20 **SECTION 426.** 968.04 (3) (b) 2. of the statutes is renumbered 969.22 (2) and
21 amended to read:

22 969.22 (2) SERVICE. A summons may be served anywhere in the state and it
23 shall be served by delivering a copy to the defendant personally ~~or,~~ by leaving a copy
24 at the defendant's his or her usual place of abode with a person of discretion residing

1 ~~therein there~~, or by mailing a copy to the defendant's last-known address. ~~It shall~~
2 ~~be served by a law enforcement officer.~~

3 SECTION 427. 968.04 (3) (b) 3. (intro.) of the statutes is renumbered 969.26 (2)
4 (intro.) and amended to read:

5 969.26 (2) SUMMONS. (intro.) The A summons shall be in substantially the
6 following form:

7 SECTION 428. 968.04 (3) (b) 3. a. of the statutes is repealed.

8 SECTION 429. 968.04 (3) (b) 3. b. (intro.) of the statutes is repealed.

9 SECTION 430. 968.04 (3) (b) 3. b. (form) of the statutes is renumbered 969.26
10 (2) (form) and amended to read:

11 969.26 (2) (form)

12 STATE OF WISCONSIN,

13 County

14 State of Wisconsin

15 vs.

16 (Defendant)

17 THE STATE OF WISCONSIN TO SAID DEFENDANT:

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

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

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

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

12 **SECTION 434.** 968.06 of the statutes is repealed.

13 **SECTION 435.** 968.07 of the statutes is renumbered 969.16, and 969.16 (1) to
14 (3), as renumbered, are amended to read:

15 969.16 (1) ~~A~~ Except as provided in sub. (3), a law enforcement officer may
16 arrest a person when:

17 (a) The law enforcement officer has a warrant commanding that such person
18 be arrested; ~~or.~~

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

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

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

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

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

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

12 **SECTION 436.** 968.073 of the statutes is renumbered 969.165, and 969.165 (2),
13 as renumbered, is amended to read:

14 969.165 (2) It is the policy of this state to make an audio or audio and visual
15 recording of a custodial interrogation of a person suspected of committing a felony
16 unless a condition under s. ~~972.115 (2)~~ 972.18 (3) (a) 1. to 6. applies or good cause is
17 shown for not making an audio or audio and visual recording of the interrogation.

18 **SECTION 437.** 968.075 (title) of the statutes is renumbered 969.27 (title).

19 **SECTION 438.** 968.075 (1) of the statutes is renumbered 969.27 (1).

20 **SECTION 439.** 968.075 (2) (a) of the statutes is renumbered 969.27 (2) (a), and
21 969.27 (2) (a) (intro.), as renumbered, is amended to read:

22 969.27 (2) (a) (intro.) Notwithstanding s. ~~968.07 (1)~~ 969.16 (1) and except as
23 provided in pars. (am) and (b), a law enforcement officer shall arrest and take a
24 person into custody if:

1 **SECTION 440.** 968.075 (2) (am) of the statutes is renumbered 969.27 (2) (am)
2 and amended to read:

3 969.27 (2) (am) Notwithstanding s. ~~968.07 (1)~~ 969.16 (1), unless the person's
4 arrest is required under s. 813.12 (7), 813.122 (10), 813.125 (6), or 813.128 (1) (b) or
5 sub. (5) (e), if a law enforcement officer identifies the predominant aggressor, it is
6 generally not appropriate for a law enforcement officer to arrest anyone under par.
7 (a) other than the predominant aggressor.

8 **SECTION 441.** 968.075 (2) (ar) of the statutes is renumbered 969.27 (2) (ar).

9 **SECTION 442.** 968.075 (2) (b) of the statutes is renumbered 969.27 (2) (b).

10 **SECTION 443.** 968.075 (2m) of the statutes is renumbered 969.27 (2m) and
11 amended to read:

12 969.27 (2m) IMMEDIATE RELEASE PROHIBITED. Unless s. ~~968.08~~ 969.17 applies,
13 a law enforcement officer may not release a person whose arrest was required under
14 sub. (2) until the person ~~posts bail~~ remits a cash deposit under s. ~~969.07~~ 969.36 or
15 appears before a judge under s. ~~970.01 (1)~~ subch. I of ch. 971.

16 **SECTION 444.** 968.075 (3) of the statutes is renumbered 969.27 (3).

17 **SECTION 445.** 968.075 (4) of the statutes is renumbered 969.27 (4).

18 **SECTION 446.** 968.075 (5) of the statutes is renumbered 969.27 (5), and 969.27
19 (5) (e), as renumbered, is amended to read:

20 969.27 (5) (e) Notwithstanding s. ~~968.07 (1)~~ 969.16 (1), a law enforcement
21 officer shall arrest and take a person into custody if the officer has reasonable
22 grounds to believe that the person has violated par. (a).

23 **SECTION 447.** 968.075 (6) to (9) of the statutes are renumbered 969.27 (6) to (9).

24 **SECTION 448.** 968.08 of the statutes is renumbered 969.17 and amended to
25 read:

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

7 **SECTION 449.** 968.085 (title) of the statutes is renumbered 969.24 (title) and
8 amended to read:

9 **969.24** (title) ~~Citation; nature; issuance; release of accused for~~
10 ~~misdemeanor.~~

11 **SECTION 450.** 968.085 (1) of the statutes is renumbered 969.24 (1) and amended
12 to read:

13 **969.24 (1) NATURE.** A citation under this section is a directive, issued by a law
14 enforcement officer, that a person appear in court ~~and answer criminal charges.~~ ~~A~~
15 ~~citation is not~~ or the district attorney's office. The citation may be used as a criminal
16 ~~complaint and may not be used as a substitute for a criminal complaint if endorsed~~
17 ~~by the district attorney as provided in sub. (5).~~

18 **SECTION 451.** 968.085 (2) (intro.) of the statutes is renumbered 969.24 (2) and
19 amended to read:

20 **969.24 (2) AUTHORITY TO ISSUE; EFFECT.** ~~Except as provided in sub. (8), a~~ A law
21 enforcement officer may issue a citation to any person whom he or she has reasonable
22 ~~grounds~~ probable cause to believe has committed a misdemeanor. A citation may be
23 issued in the field ~~or at the headquarters or precinct station of the officer instead of~~
24 ~~or subsequent to~~ at any time after a lawful arrest. ~~If a citation is issued, the person~~

1 ~~cited shall be released on his or her own recognizance. In determining whether to~~
2 ~~issue a citation, the law enforcement officer may consider whether:~~

3 **SECTION 452.** 968.085 (2) (a) to (f) of the statutes are repealed.

4 **SECTION 453.** 968.085 (3) (intro.) of the statutes is renumbered 969.24 (3)
5 (intro.).

6 **SECTION 454.** 968.085 (3) (a) of the statutes is renumbered 969.24 (3) (a) and
7 amended to read:

8 969.24 (3) (a) ~~Identify the offense and section which~~ State essential facts
9 constituting the crime the person is alleged to have allegedly committed and the
10 statutory section that the person allegedly violated, including the date, and if
11 material, identify the property and other persons involved of the offense and the
12 maximum penalty for the offense.

13 **SECTION 455.** 968.085 (3) (b) of the statutes is renumbered 969.24 (3) (b) and
14 amended to read:

15 969.24 (3) (b) ~~Contain~~ State the name and address of the person cited, or other
16 identification if ~~that~~ the person's name or address cannot be ascertained.

17 **SECTION 456.** 968.085 (3) (c) of the statutes is renumbered 969.24 (3) (c).

18 **SECTION 457.** 968.085 (3) (d) of the statutes is renumbered 969.24 (3) (d) and
19 amended to read:

20 969.24 (3) (d) Direct the person cited to appear ~~for his or her initial appearance~~
21 ~~in a designated court, at a designated~~ at a specified location and at a specified time
22 and date.

23 **SECTION 458.** 968.085 (4) of the statutes is renumbered 969.24 (4) and amended
24 to read:

1 969.24 (4) SERVICE. ~~A~~ The officer issuing the citation shall give a copy of the
2 citation ~~shall be delivered~~ to the person cited, and file the original ~~must be filed~~ with
3 the district attorney.

4 **SECTION 459.** 968.085 (5) of the statutes is renumbered 969.24 (5) and amended
5 to read:

6 969.24 (5) REVIEW BY DISTRICT ATTORNEY. The district attorney shall review the
7 citation and may issue a complaint by endorsing the citation with his or her signature
8 or issue a separate complaint charging the cited person. If the district attorney
9 reviews the case before the return date and declines to prosecute, he or she shall
10 notify the law enforcement agency ~~which~~ that issued the citation. The law
11 enforcement agency shall attempt to notify the person cited that he or she will not
12 be charged and is not required to appear as directed in the citation.

13 **SECTION 460.** 968.085 (6) of the statutes is renumbered 969.24 (6).

14 **SECTION 461.** 968.085 (7) of the statutes is renumbered 969.24 (7) and amended
15 to read:

16 969.24 (7) ~~PREPARATION OF FORM.~~ The ~~judicial conference shall prescribe the~~
17 ~~form and content of the citation under s. 758.171~~ shall be in substantially the same
18 form set forth in s. 969.26 (3).

19 **SECTION 462.** 968.085 (8) of the statutes is renumbered 969.24 (8) and amended
20 to read:

21 969.24 (8) ~~INAPPLICABILITY TO CERTAIN DOMESTIC ABUSE CASES.~~ A law enforcement
22 officer may not issue a citation to a person for an offense if the officer is required to
23 arrest the person for that offense under s. ~~968.075~~ 969.27 (2).

24 **SECTION 463.** 968.09 (title) of the statutes is renumbered 969.50 (title) and
25 amended to read:

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3 SECTION 468. 968.11 of the statutes is renumbered 968.575 and amended to
4 read:

5 **968.575 Scope of search incident to lawful arrest.** When a lawful arrest
6 is made, a law enforcement officer may reasonably search the person arrested and
7 an area within such person's immediate presence for any of the purpose of following
8 purposes:

9 (1) Protecting the officer from attack;

10 (2) Preventing the person from escaping;

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

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

15 SECTION 469. 968.12 (title) of the statutes is renumbered 968.465 (title) and
16 amended to read:

17 **968.465 (title) Search Application for and issuance of search warrant.**

18 SECTION 470. 968.12 (1) of the statutes is renumbered 968.465 (1) and amended
19 to read:

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

1 **SECTION 471.** 968.12 (2) and (3) (a) and (d) of the statutes are consolidated,
2 renumbered 968.465 (2) and amended to read:

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

23 **SECTION 472.** 968.12 (3) (title) of the statutes is renumbered 968.465 (3) (title)
24 and amended to read: