



2017 ASSEMBLY BILL 634

November 10, 2017 - Introduced by Representatives KLEEFISCH, BALLWEG, SANFELIPPO, ANDERSON, BILLINGS, E. BROOKS, BRANDTJEN, FIELDS, HORLACHER, HUTTON, JACQUE, KULP, MURSAU, PETRYK, RIPP, ROHRKASTE, SKOWRONSKI, STEFFEN, THIESFELDT and TITTL, cosponsored by Senators WANGGAARD, OLSEN, JOHNSON, MARKLEIN and COWLES. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to renumber* 165.505 (1) (a) and 165.505 (1) (b); *to renumber and*
2 *amend* 165.505 (2), 165.505 (3), 165.505 (4) and 165.505 (5); *to amend* 165.505
3 (title), 165.505 (1) (intro.), 165.505 (6), 165.505 (7) (intro.) and 165.505 (8); and
4 *to create* 165.505 (1) (ag), 165.505 (1) (am) and 165.505 (3j) of the statutes;
5 **relating to:** administrative subpoenas for the investigation of human
6 trafficking crimes and Internet crimes against children.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Justice may issue administrative subpoenas to providers of electronic communication or remote computing services to aid in the investigation of Internet crimes against children. This bill expands the administrative subpoena process to include hotels as possible recipients of administrative subpoenas, and to include human trafficking crimes as violations for which an administrative subpoena may be issued.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

7 **SECTION 1.** 165.505 (title) of the statutes is amended to read:

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1 **165.505** (title) **Internet crimes against children and human trafficking;**
2 **administrative subpoena.**

3 **SECTION 2.** 165.505 (1) (intro.) of the statutes is amended to read:

4 165.505 (1) (intro.) In this section,;

5 (bg) “Internet crime against a child” means the commission of, or the
6 solicitation, conspiracy, or attempt to commit, any of the following:

7 **SECTION 3.** 165.505 (1) (a) of the statutes is renumbered 165.505 (1) (bg) 1.

8 **SECTION 4.** 165.505 (1) (ag) of the statutes is created to read:

9 165.505 (1) (ag) “Hotel” has the meaning given in s. 97.01 (7).

10 **SECTION 5.** 165.505 (1) (am) of the statutes is created to read:

11 165.505 (1) (am) “Human trafficking crime” means the commission of, or the
12 solicitation, conspiracy, or attempt to commit a violation of s. 940.302 or 948.051.

13 **SECTION 6.** 165.505 (1) (b) of the statutes is renumbered 165.505 (1) (bg) 2.

14 **SECTION 7.** 165.505 (2) of the statutes is renumbered 165.505 (2) (am), and
15 165.505 (2) (am) (intro.) and 1., as renumbered, are amended to read:

16 165.505 (2) (am) (intro.) The attorney general or his or her designee may issue
17 and cause to be served a subpoena, in substantially the form authorized under s.
18 885.02, upon a provider of an electronic communication service or a remote
19 computing service to compel the production of any of the items listed in ~~sub. (4)~~ par.
20 (c) if all of the following apply:

21 1. The information likely to be obtained is relevant to an ongoing investigation
22 of a human trafficking crime or an Internet crime against a child.

23 **SECTION 8.** 165.505 (3) of the statutes is renumbered 165.505 (2) (bm) and
24 amended to read:

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1 165.505 (2) (bm) The attorney general or his or her designee issuing a subpoena
2 under ~~sub. (2) par. (am)~~ shall ensure that the subpoena describes each record or other
3 information pertaining to a customer or subscriber of the service to be produced and
4 prescribes a reasonable return date by which the person served with the subpoena
5 must assemble each record or other information and make them available.

6 **SECTION 9.** 165.505 (3j) of the statutes is created to read:

7 165.505 (3j) (a) The attorney general or his or her designee may issue and cause
8 to be served a subpoena, in substantially the form authorized under s. 885.02, upon
9 a hotel to compel the production of any of the items listed in par. (c) if all of the
10 following apply:

11 1. The information likely to be obtained is relevant to an ongoing investigation
12 of a human trafficking crime or an Internet crime against a child.

13 2. The attorney general or his or her designee has reasonable cause to believe
14 that a room provided by a hotel has been used in the crime.

15 (b) The attorney general or his or her designee issuing a subpoena under par.
16 (a) shall ensure that the subpoena describes each record or other information
17 pertaining to a customer of the room to be produced and prescribes a reasonable
18 return date by which the person served with the subpoena must assemble each
19 record or other information and make them available.

20 (c) A person who is duly served a subpoena issued under par. (a) shall, if
21 requested, provide the following information about the customer:

22 1. Name.

23 2. Address and telephone number of record.

24 3. Duration, including the start date and end date, of the assignment of any
25 room to the customer.

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1 (d) A person served with a subpoena under par. (a) may, before the return date
2 indicated under par. (b), petition a circuit court in the county where the subpoena was
3 issued for an order to modify or quash the subpoena or to prohibit disclosure of
4 information by the court.

5 **SECTION 10.** 165.505 (4) of the statutes is renumbered 165.505 (2) (c), and
6 165.505 (2) (c) (intro.), as renumbered, is amended to read:

7 165.505 (2) (c) (intro.) A person who is duly served a subpoena issued under
8 ~~sub. (2)~~ par. (am) shall, if requested, provide the following information about the
9 customer or subscriber:

10 **SECTION 11.** 165.505 (5) of the statutes is renumbered 165.505 (2) (d) and
11 amended to read:

12 165.505 (2) (d) A person served with a subpoena under ~~sub. (2)~~ par. (am) may,
13 before the return date indicated under ~~sub. (3)~~ par. (bm), petition a circuit court in
14 the county where the subpoena was issued for an order to modify or quash the
15 subpoena or to prohibit disclosure of information by the court.

16 **SECTION 12.** 165.505 (6) of the statutes is amended to read:

17 165.505 (6) If the investigation into a human trafficking crime or an Internet
18 crime against a child specified under sub. (2) (am) or (3j) (a) does not result in a
19 prosecution or other proceeding against a person, the attorney general or his or her
20 designee shall either destroy, or return to the person who produced, the records and
21 information requested by the subpoena.

22 **SECTION 13.** 165.505 (7) (intro.) of the statutes is amended to read:

23 165.505 (7) (intro.) The attorney general or his or her designee may order a
24 provider of an electronic communication service or remote computing service or a
25 hotel not to notify or disclose the existence of the subpoena to the customer or

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1 subscriber or any other person, except an attorney for the purpose of obtaining legal
2 advice or a circuit court, for a period of 90 days after the provider or hotel produces
3 the requested records and information or files a petition under sub. ~~(5)~~ (2) (d) or (3j)
4 (d) if the attorney general or his or her designee has reason to believe that the victim
5 of the human trafficking crime or Internet crime against a child investigated under
6 sub. (2) (am) or (3j) (a) is under 18 years of age, and that notification or disclosure
7 of the existence of the subpoena will do any of the following:

8 **SECTION 14.** 165.505 (8) of the statutes is amended to read:

9 165.505 (8) Records and information produced in response to a subpoena
10 issued under sub. (2) (am) or (3j) (a) are not subject to inspection or copying under
11 s. 19.35 (1), except that the attorney general or his or her designee may, upon request,
12 disclose the records and information to another law enforcement agency, ~~Internet~~
13 ~~crimes against children task force~~, or a district attorney.

14 (END)