



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2007 Assembly Bill 433**

**Assembly Amendment 1**

*Memo published:* September 20, 2007

*Contact:* Don Dyke, Chief of Legal Services (266-0292)

*Current law* generally prohibits the disclosure of those records of a public library which indicate the identity of any individual who borrows or uses the library documents or other materials, resources, or services. Section 43.30, Stats. The disclosure prohibition does not apply to records disclosed pursuant to court order or to records disclosed to persons acting within the scope of their duties in the administration of the library system, to persons authorized by the individual to inspect such records, to custodial parents or guardians of children under 16, or to other libraries for the purpose of borrowing materials for the individual. The Attorney General, in a letter to the State Superintendent, Department of Public Instruction, dated November 27, 2006, opined that library surveillance tapes are library records protected by s. 43.30, Stats., and that library officials generally may not disclose surveillance tapes to law enforcement or others without a court order.

*Assembly Bill 433* requires a public library, upon request of a law enforcement officer who is investigating criminal conduct alleged to have occurred at the library, to disclose to the law enforcement officer all records produced by a surveillance device under the control of the library.

*Assembly Amendment 1* limits the bill's required disclosure of records produced by a surveillance device to those records "pertinent to the alleged criminal conduct."

### Legislative History

Assembly Amendment 1 was offered by Representative Kaufert. The Assembly Committee on Judiciary and Ethics recommended adoption of the amendment by a vote of Ayes, 10; Noes, 0. The committee recommended passage of the proposal, as amended, by the same vote.

DD:jb:jal