



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Senate Bill 524

**Senate
Amendment 1**

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Senate Bill 524 sets forth a procedure for issuing subpoenas and warrants for records or communications of customers of an electronic communication service or a remote computing service provider. Among other provisions, the bill requires that an electronic communication service or a remote computing service provider must respond within eight days after being served with a subpoena or warrant. The eight-day time period may be reduced by a judge to avoid an adverse result (for example, danger to a person, flight from prosecution, evidence loss, witness intimidation) or be extended by a judge for good cause. Senate Bill 524 also provides that a subpoena may be used to retrieve records or other information, including all of the following relating to a subscriber or customer:

1. Name.
2. Address.
3. Local and long distance telephone connection records, or records of session times and durations.
4. Length of service, including start date, and types of service utilized.
5. Telephone or instrument or other subscriber number or identity, including any temporarily assigned network address.
6. Means and source of payment for an electronic communications service or remote computing service, including any credit card or bank account number.

Senate Amendment 1 provides the following:

1. The time within which a recipient of a subpoena or warrant must respond will be a reasonable time established by the judge in the subpoena or warrant.

2. A subpoena may be used to discover “any” of the items listed above, rather than requiring the production of “all” of the items listed above.

Legislative History

On March 24, 2010, the Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing introduced and adopted Senate Amendment 1 to Senate Bill 524 and recommended passage of the bill, as amended, both on votes of Ayes, 5; Noes, 0.

RS:jal