
Wisconsin Legislative Council

AMENDMENT MEMO



Memo published: October 17, 2023

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2023 Senate Bill 331

**Senate
Amendment 1**

2023 SENATE BILL 331

2023 Senate Bill 331 modifies the definitions of “pen register” and “trap and trace device.” It also broadens the scope of the courts to which the Attorney General or a district attorney may apply for an order permitting the use of a pen register or trap and trace device.

Under current law, a pen register is generally defined to mean a device that records or decodes electronic or other impulses that identify the numbers dialed or otherwise transmitted on the telephone line to which the device is attached. The bill alters this definition to provide that a pen register is a device or process that records or decodes dialing, routing, addressing, or signaling information transmitted on the telephone line or by an instrument or facility from which a wire or electronic communication is transmitted.

Under current law, a “trap and trace device” is a device that captures the incoming electronic or other impulses that identify the originating number of an instrument or device from which a wire or electronic communication was transmitted. The bill modifies this definition to provide that a trap and trace device is a device or process that captures the incoming electronic or other impulses that identify the originating number or other dialing, routing, addressing, and signaling information of an instrument or device reasonably likely to identify the source from which a wire or electronic communication is received.

Under current law, the Attorney General or a district attorney may apply for an order or extension of an order authorizing or approving the installation and use of a pen register or a trap and trace device, in writing under oath or equivalent affirmation, to a circuit for the county where the device is to be located. The bill allows the Attorney General or a district attorney to apply to a circuit court for any county for this type of order.

SENATE AMENDMENT 1

Senate Amendment 1 removes the provision of the bill allowing the Attorney General or a district attorney to apply to a circuit court in any county for a pen register or trap and trace device.

BILL HISTORY

Senator Jacque offered Senate Amendment 1 to Senate Bill 331 on October 10, 2023. On October 12, 2023, the Senate Committee on Judiciary and Public Safety voted to recommend adoption of Senate Amendment 1 and passage of Senate Bill 331, as amended, on votes of Ayes, 5; Noes, 2.

For a full history of the bill, visit the Legislature’s [bill history page](#).

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