## **1995 SENATE BILL 665**

March 27, 1996 – Introduced by Senator Burke, cosponsored by Representatives Krusick, Cullen, Goetsch, Krug, Schneiders, Seratti and Turner. Referred to Committee on Judiciary.

- 1 AN ACT to repeal 970.03 (12) (c); and to amend 970.03 (12) (b) of the statutes;
- 2 **relating to:** police identification reports at preliminary examinations.

## Analysis by the Legislative Reference Bureau

Under current law, a report of one of the state crime laboratories, the state laboratory of hygiene, a federal bureau of investigation laboratory, a hospital laboratory or a local health department must be admitted, if relevant, at a preliminary examination in a criminal action if the report is certified as correct by the applicable agency or unit head or his or her designee. The expert who made the findings in the report does not need to be called as a witness. There is a different provision, however, for latent fingerprint reports by the Milwaukee city police latent fingerprint identification unit. The report must be received at the preliminary examination only if the state provides the defendant's attorney with a copy of the report at least 72 hours before the preliminary examination. Further, if the defendant so requests, the state must call the expert who prepared the report in order to have the report admitted.

This bill eliminates this separate procedure for latent fingerprint reports by the Milwaukee city police latent fingerprint identification unit. Instead, the bill allows the admission of a relevant report of a 1st class city (currently only Milwaukee) police department identification division if the report is certified by the chief of police or his or her designee. The expert who made the findings does not need to be called as a witness.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

970.03 (12) (b) At any preliminary examination, a report of one of the crime
laboratory's, the state laboratory of hygiene's, a federal bureau of investigation labo-
ratory's, <u>a 1st class city police department identification division's</u> , a hospital labora-
tory's or a local health department's findings with reference to all or any part of the
evidence submitted, certified as correct by the attorney general, the director of the
state laboratory of hygiene, the director of the federal bureau of investigation, the
chief of police of a 1st class city, the chief hospital administrator, the local health offi-
cer, as defined in s. 250.01 (5), or a person designated by any of them, shall, when
offered by the state or the accused, be received as evidence of the facts and findings
stated, if relevant. The expert who made the findings need not be called as a witness.

**Section 2.** 970.03 (12) (c) of the statutes is repealed.

## SECTION 3. Initial applicability.

(1) This act first applies to preliminary examinations commencing on the effective date of this subsection.

15 (END)