



2005 ASSEMBLY BILL 472

June 9, 2005 - Introduced by Representative SCHNEIDER. Referred to Committee on Judiciary.

1 **AN ACT to renumber** 910.01 (1) and 910.01 (4); **to renumber and amend** 910.01
2 (2); **to amend** 802.05 (1) (c) and subchapter III (title) of chapter 946 [precedes
3 946.31]; and **to create** 910.01 (1g), 910.025 and 946.33 of the statutes; **relating**
4 **to:** admissibility of digitally produced photograph, film, motion picture, audio,
5 or video.

Analysis by the Legislative Reference Bureau

Under current law, if properly authenticated as being a true representation of the image in the photograph or motion picture, an original of a photograph or motion picture may be admitted in evidence to prove the content of the photograph or motion picture. This bill allows the introduction of a digital representation in the form of a photograph, film, motion picture, audio, or video for purposes of proving the content of that digital representation only if that digital representation is in a format that includes information that cannot be identified or manipulated and that shows that the digital representation has not be altered from its original representation. Digital representation, as defined in the bill, means any recording or image of a person, place, document, sound, or event that is created or stored by data in the form of numerical digits.

The bill creates a misdemeanor for requesting the admission into evidence of a digital representation to prove the contents of that representation if the person knew those contents had been altered.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

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report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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:

1 **SECTION 1.** 802.05 (1) (c) of the statutes is amended to read:

2 802.05 (1) (c) The requirement of a handwritten signature subscribing
3 pleadings, motions or other papers filed in court may be satisfied by a duplicate, as
4 defined in s. 910.01 (4) (2m), if a handwritten signature appears on the original
5 document and the signing party or his or her attorney retains the original document.

6 **SECTION 2.** 910.01 (1) of the statutes is renumbered 910.01 (5m).

7 **SECTION 3.** 910.01 (1g) of the statutes is created to read:

8 910.01 (1g) DIGITAL REPRESENTATION. “Digital representation” means any
9 recording or image of a person, place, document, sound, or event that is created or
10 stored by data in the form of numerical digits.

11 **SECTION 4.** 910.01 (2) of the statutes is renumbered 910.01 (4m) and amended
12 to read:

13 910.01 (4m) PHOTOGRAPHS. “Photographs” include still photographs, X-ray
14 films, and motion pictures, and digital representations.

15 **SECTION 5.** 910.01 (4) of the statutes is renumbered 910.01 (2m).

16 **SECTION 6.** 910.025 of the statutes is created to read:

17 **910.025 Admissibility of a digital representation.** In any action, a digital
18 representation in the form of a photograph, film, motion picture, audio, or video is
19 admissible for purposes of proving the content of that digital representation only if
20 that digital representation is in a format that includes information that cannot be

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1 identified or manipulated and that shows that the digital representation has not
2 been altered from its original representation.

3 **SECTION 7.** Subchapter III (title) of chapter 946 [precedes 946.31] of the
4 statutes is amended to read:

CHAPTER 946**SUBCHAPTER III****PERJURY, DIGITAL ALTERATION,****AND FALSE SWEARING**

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9 **SECTION 8.** 946.33 of the statutes is created to read:

10 **946.33 Alteration of a digital representation. (1)** In this section, “digital
11 representation” means any recording or image of a person, place, document, sound,
12 or event that is created or stored by data in the form of numerical digits.

13 **(2)** Whoever offers into evidence a digital representation for the purpose of
14 proving the content of that digital representation knowing that the digital
15 representation has been altered from its original representation is guilty of a Class
16 A misdemeanor.

17 **SECTION 9. Initial applicability.**

18 (1) This act first applies to actions commenced on the effective date of this
19 subsection.

20 **(END)**