



2009 ASSEMBLY BILL 685

January 25, 2010 - Introduced by Representatives HEBL, TURNER, POPE-ROBERTS, MOLEPSKE JR., VAN ROY, KERKMAN, TOWNSEND, BIES, A. OTT, RIPP and KAUFERT, cosponsored by Senators JAUCH, LEHMAN, TAYLOR and SCHULTZ. Referred to Committee on Judiciary and Ethics.

1 **AN ACT** *to renumber* 968.01 (1); *to amend* 968.01 (2); and *to create* 968.01
2 (intro.), 968.01 (1) (a), 968.01 (1) (b) and 968.01 (4) of the statutes; **relating to:**
3 using an electronic signature on a criminal complaint.

Analysis by the Legislative Reference Bureau

Under current law, a criminal prosecution is begun when a criminal complaint is filed with a court. The complaint is a written statement of the essential facts constituting the offense charged. The person who provides the information contained in the complaint swears to the truth of the information before the district attorney or a judge.

Current law allows the person to swear to the truth of the statement in the complaint by telephone contact with the district attorney or judge if the person signs the statement, sends the original signed statement to the district attorney or judge, and sends a copy of the signed statement to the district attorney or judge via a facsimile machine. Subsequently, if the complaint is filed, both the original and the facsimile copy of the signed statement are filed with the court.

Under this bill, a person may swear to the truth of the statement by telephone contact with a district attorney or judge and may transmit a copy of the statement electronically, accompanied by an electronic signature, to the district attorney or judge. Under the bill, a statement that has been signed and transmitted electronically may be incorporated into a complaint that is filed with the court electronically or in paper form.

