



2009 SENATE BILL 467

January 22, 2010 – Introduced by Senators JAUCH, LEHMAN, TAYLOR and SCHULTZ, cosponsored by Representatives HEBL, TURNER, POPE-ROBERTS, MOLEPSKE JR., VAN ROY, KERKMAN, TOWNSEND, BIES, A. OTT, RIPP and KAUFERT. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

1 **AN ACT** *to renumber* 968.01 (1); *to amend* 968.01 (2); and *to create* 968.01 (1)
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.

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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.** 968.01 (1) (intro.) of the statutes is created to read:

2 968.01 (1) (intro.) In this section:

3 **SECTION 2.** 968.01 (1) of the statutes is renumbered 968.01 (1) (c).

4 **SECTION 3.** 968.01 (1) (a) of the statutes is created to read:

5 968.01 (1) (a) “Electronic” has the meaning given in s. 137.11 (5).

6 **SECTION 4.** 968.01 (1) (b) of the statutes is created to read:

7 968.01 (1) (b) “Electronic signature” has the meaning given in s. 801.17 (1) (e).

8 **SECTION 5.** 968.01 (2) of the statutes is amended to read:

9 968.01 (2) The complaint is a written statement of the essential facts
10 constituting the offense charged. A person may make a complaint on information
11 and belief. Except as provided in sub. (3) or (4), the complaint shall be made upon
12 oath before a district attorney or judge as provided in this chapter.

13 **SECTION 6.** 968.01 (4) of the statutes is created to read:

14 968.01 (4) A person may comply with sub. (2) if he or she makes the oath by
15 telephone contact with the district attorney or judge and immediately thereafter
16 electronically transmits the statement, accompanied by the person’s electronic
17 signature, to the district attorney or judge. If the complaint is filed, the electronically
18 transmitted statement shall be incorporated into a criminal complaint filed in either
19 an electronic or paper format under s. 968.02 (2).

20

(END)