



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2470/1
MLJ&EHS:amn

2021 ASSEMBLY BILL 199

March 25, 2021 - Introduced by Representatives THIESFELDT, SKOWRONSKI, BROOKS, KNODL and SCHRAA, cosponsored by Senators JACQUE, BALLWEG and FELZKOWSKI. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to repeal* 967.08 (2) (a), 967.08 (2) (b), 967.08 (2) (d) and 967.08 (3); *to*
2 *amend* 938.30 (10), 967.08 (title), 967.08 (1), 967.08 (2) (intro.), 967.08 (2) (c),
3 971.04 (1) (intro.) and 972.02 (1); and *to create* 938.325 and 967.08 (2) (am) of
4 the statutes; **relating to:** conducting juvenile proceedings by telephone or
5 audiovisual means and appearance at any criminal proceeding by telephone or
6 audiovisual means.

Analysis by the Legislative Reference Bureau

Under current law, a court assigned jurisdiction under the Juvenile Justice Code may permit any party to participate in a plea hearing by telephone or live audiovisual means except for a juvenile who intends to admit the facts of a delinquency petition. This bill eliminates that exception.

The bill also specifies that proceedings under the Juvenile Justice Code may be conducted by telephone or live audiovisual means unless good cause to the contrary is shown, and that any action taken by the court or any party in such a proceeding has the same effect as if made in open court.

Current law provides that only certain criminal proceedings may be conducted by telephone or live audiovisual means unless good cause to the contrary is shown, and that any action taken by the court or any party in such a proceeding has the same effect as if made in open court. This bill specifies that any criminal proceeding or any hearing on a motion for an extension of time for a trial involving an interstate

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detainer may be conducted by telephone or live audiovisual means, unless good cause to the contrary is shown, and that any action taken by the court or any party in such a proceeding has the same effect as if made in open court.

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.** 938.30 (10) of the statutes is amended to read:

2 938.30 (10) TELEPHONE OR LIVE AUDIOVISUAL PARTICIPATION. The court may
3 permit any party to participate in hearings under this section by telephone or live
4 audiovisual means ~~except a juvenile who intends to admit the facts of the~~
5 ~~delinquency petition.~~

6 **SECTION 2.** 938.325 of the statutes is created to read:

7 **938.325 Proceedings by telephone or live audiovisual means.** Unless
8 good cause to the contrary is shown, proceedings referred to under this chapter may
9 be conducted by telephone or live audiovisual means if available. If the proceeding
10 is required to be reported under SCR 71.01 (2), the proceeding shall be reported by
11 a court reporter who is in simultaneous voice communication with all parties to the
12 proceeding. Regardless of the physical location of any party to a proceeding
13 conducted by telephone or live audiovisual means, any plea, waiver, stipulation,
14 motion, objection, decision, order, or other action taken by the court or any party has
15 the same effect as if made in open court. Simultaneous access to the proceeding shall
16 be provided to persons entitled to attend by means of a loudspeaker or live
17 audiovisual feed or, upon request to the court, by allowing persons entitled to attend
18 to participate in the telephone call without charge.

19 **SECTION 3.** 967.08 (title) of the statutes is amended to read:

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1 **967.08** (title) **Telephone or live audiovisual proceedings.**

2 **SECTION 4.** 967.08 (1) of the statutes is amended to read:

3 967.08 (1) Unless good cause to the contrary is shown, proceedings referred to
4 in this section may be conducted by telephone or live audiovisual means, if available.
5 If the proceeding is required to be reported under SCR 71.01 (2), the proceeding shall
6 be reported by a court reporter who is in simultaneous voice communication with all
7 parties to the proceeding. Regardless of the physical location of any party to ~~the call~~
8 a proceeding conducted by telephone or live audiovisual means, any plea, waiver,
9 stipulation, motion, objection, decision, order or other action taken by the court or
10 any party shall have the same effect as if made in open court. With the exceptions
11 of scheduling conferences, pretrial conferences, and, during hours the court is not in
12 session, setting, review, modification of bail and other conditions of release under ch.
13 969, the proceeding shall be conducted in a courtroom or other place reasonably
14 accessible to the public. Simultaneous access to the proceeding shall be provided to
15 persons entitled to attend by means of a loudspeaker or live audiovisual means or,
16 upon request to the court, by ~~making~~ allowing a person ~~party~~ to participate in the
17 telephone call without charge.

18 **SECTION 5.** 967.08 (2) (intro.) of the statutes is amended to read:

19 967.08 (2) (intro.) The court may permit the following proceedings to be
20 conducted under sub. (1) on the request of either party. The request and the opposing
21 party's showing of good cause for not conducting the proceeding under sub. (1) may
22 be made by telephone or live audiovisual means.

23 **SECTION 6.** 967.08 (2) (a) of the statutes is repealed.

24 **SECTION 7.** 967.08 (2) (am) of the statutes is created to read:

25 967.08 (2) (am) Any criminal proceeding under chapters 968 to 973.

