

1969 Senate Bill 459

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**CHAPTER 234, LAWS OF 1969**

AN ACT to repeal 165.76 (1); to amend 165.75 (2), 165.76 (1), 165.79 (1), 963.04 (8); and to create 165.83 and 165.84 of the statutes, relating to renaming the crime laboratory division to be the law enforcement services division in the department of justice, and specifying the division's responsibilities with regard to the maintenance of criminal identification and statistical records.

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

SECTION 1. 165.75 (2) of the statutes, as affected by chapter —, laws of 1969 (Senate Bill 355), is amended to read:

165.75 (2) The crime laboratory ~~of the department of justice~~ shall be located in the city of Madison. The personnel of the laboratory shall consist of ~~one administrator and~~ such employes as are authorized under s. 20.922.

SECTION 2. 165.76 (1) of the statutes, as affected by chapter —, laws of 1969 (Senate Bill 355), is repealed.

SECTION 3. 165.79 (1) of the statutes, as affected by chapter —, laws of 1969 (Senate Bill 355), is amended to read:

165.79 (1) Evidence, information and analyses of evidence obtained from law enforcement officers by the ~~administrator or employes of the~~ laboratory is privileged and not available to persons other than law enforcement officers nor is the defendant entitled to an inspection of information and evidence submitted to the laboratory by the state or of the laboratory's findings, or to examine laboratory personnel as witnesses concerning the same, prior to trial, except to the extent that the same is used by the state at a preliminary hearing. Upon request of a defendant in a felony action, approved by the presiding judge, the laboratory shall conduct analyses of evidence upon behalf of such defendant. No prosecuting officer is entitled to an inspection of information and evidence submitted to the laboratory by the defendant, or of the laboratory's findings, or to examine laboratory personnel as witnesses concerning the same, prior to trial, except to the extent that the same is used by the accused at a preliminary hearing. Employes of the laboratory who made examinations or analyses of evidence shall attend the criminal trial as witnesses, without subpoena, upon reasonable written notice from either party requesting such attendance.

SECTION 4. 165.83 and 165.84 of the statutes are created to read:

165.83 CRIMINAL IDENTIFICATION, RECORDS AND STATISTICS. (1) DEFINITIONS. As used in this section and s. 165.84:

(a) "Division" means the division of law enforcement services.

(b) "Law enforcement agency" means a governmental unit of one or more persons employed full time by the state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employes of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

(c) "Offense" means an act which is a felony, a misdemeanor or a violation of a city, county, village or town ordinance.

(2) The division shall:

(a) Obtain and file fingerprints, descriptions, photographs and any other available identifying data on persons who have been arrested or taken into custody in this state:

1. For an offense which is a felony.
2. For an offense which is a misdemeanor or a violation of an ordinance involving burglary tools, commercial gambling, dealing in gambling devices, contributing to the delinquency of a child, dealing in stolen property, dangerous drugs, marijuana, narcotics, firearms, dangerous weapons, explosives, pandering, prostitution, sex offenses where children are victims, or worthless checks.
3. For an offense charged as disorderly conduct but which relates to an act connected with one or more of the offenses under subd. 2.
4. As a fugitive from justice.
5. For any other offense designated by the attorney general.
  - (b) Accept for filing fingerprints and other identifying data, taken at the discretion of the law enforcement agency involved, on persons arrested or taken into custody for offenses other than those listed in par. (a).
  - (c) Obtain and file fingerprints and other available identifying data on unidentified human corpses found in this state.
  - (d) Obtain and file information relating to identifiable stolen or lost property.
  - (e) Obtain and file a copy or detailed description of each arrest warrant issued in this state for the offenses under par. (a) but not served because the whereabouts of the person named on the warrant is unknown or because that person has left the state. All available identifying data shall be obtained with the copy of the warrant, including any information indicating that the person named on the warrant may be armed, dangerous or possessed of suicidal tendencies.
  - (f) Collect information concerning the number and nature of offenses known to have been committed in this state, the legal action taken in connection with such offenses from the inception of the complaint to the final discharge of the defendant and such other information as may be useful in the study of crime and the administration of justice. The administrator of the division may determine any other information to be obtained regarding crime statistics. However, the information shall include such data as may be requested by the F.B.I. under its system of uniform crime reports for the United States.
  - (g) Furnish all reporting officials with forms and instructions which specify in detail the nature of the information required under par. (a) to (e), the time it is to be forwarded, the method of classifying and such other matters as shall facilitate collection and compilation.
  - (h) Cooperate with and assist all law enforcement agencies in the state in the establishment of a state system of criminal identification and in obtaining fingerprints and other identifying data on all persons described in pars. (a), (b) and (c).
  - (i) Offer assistance and, when practicable, instructions to all local law enforcement agencies in establishing efficient local bureaus of identification and records systems.
  - (j) Compare the fingerprints and descriptions that are received from law enforcement agencies with the fingerprints and descriptions already on file and, if the person arrested or taken into custody is a fugitive from justice or has a criminal record, immediately notify the law enforcement agencies concerned and supply copies of the criminal record to these agencies.
  - (k) Make available all statistical information obtained to the governor and the legislature.
  - (m) Prepare and publish reports and releases, at least once a year and no later than July 1, containing the statistical information gathered under this section and presenting an accurate picture of crime in this state

and of the operation of the agencies of criminal justice.

(n) Make available upon request, to all local and state law enforcement agencies in this state, to all federal law enforcement and criminal identification agencies, and to state law enforcement and criminal identification agencies in other states, any information in the files of the division which will aid these agencies in the performance of their official duties. For this purpose the division shall operate on a 24-hour a day basis, 7 days a week. Such information may also be made available to any other agency of this state or political subdivision of this state, and to any other federal agency, upon assurance by the agency concerned that the information is to be used for official purposes only.

(p) Cooperate with other agencies of this state, the crime information agencies of other states, and the uniform crime reports and national crime information center systems of the F.B.I. in developing and conducting an interstate, national and international system of criminal identification, records and statistics.

165.84 COOPERATION IN CRIMINAL IDENTIFICATION, RECORDS AND STATISTICS. (1) All persons in charge of law enforcement agencies shall obtain, or cause to be obtained, the fingerprints in duplicate, according to the fingerprint system of identification established by the director of the F.B.I., full face, profile and full length photographs, and other available identifying data, of each person arrested or taken into custody for an offense of a type designated in s. 165.83 (2) (a), of all persons arrested or taken into custody as fugitives from justice, and fingerprints in duplicate and other identifying data of all unidentified human corpses in their jurisdictions, but photographs need not be taken if it is known that photographs of the type listed, taken within the previous year, are on file at the division. Fingerprints and other identifying data of persons arrested or taken into custody for offenses other than those designated in s. 165.83 (2) (a) may be taken at the discretion of the law enforcement agency concerned. Any person arrested or taken into custody and subsequently released without charge, or cleared of the offense through court proceedings, shall have any fingerprint record taken in connection therewith returned upon request.

(2) Fingerprints and other identifying data required to be taken under sub. (1) shall be forwarded to the division within 24 hours after taking for filing and classification, but the period of 24 hours may be extended to cover any intervening holiday or week-end. Photographs taken shall be forwarded at the discretion of the law enforcement agency concerned, but, if not forwarded, the fingerprint record shall be marked "Photo available" and the photographs shall be forwarded subsequently if the division so requests.

(3) All persons in charge of law enforcement agencies shall forward to the division copies or detailed descriptions of the arrest warrants and the identifying data described in 165.83 (2) (e) immediately upon determination of the fact that the warrant cannot be served for the reasons stated. If the warrant is subsequently served or withdrawn, the law enforcement agency concerned must immediately notify the division of such service or withdrawal. In any case, the law enforcement agency concerned must annually, no later than January 31 of each year, confirm to the division all arrest warrants of this type which continue to be outstanding.

(4) All persons in charge of state penal and correctional institutions shall obtain fingerprints, according to the fingerprint system of identification established by the director of the F.B.I., and full face and profile photographs of all persons received on commitment to these institutions. The prints and photographs so taken shall be forwarded to the division, together with any other identifying data requested, within 10 days after

the arrival at the institution of the person committed. Full length photographs in release dress shall be taken immediately prior to the release of such persons from these institutions. Immediately after release, these photographs shall be forwarded to the division.

(5) All persons in charge of law enforcement agencies, all clerks of court, all municipal justices where they have no clerks, all persons in charge of state and county penal and correctional institutions, and all persons in charge of state and county probation and parole offices, shall supply the division with the information described in s. 165.83 (2) (f) on the basis of the forms and instructions to be supplied by the division under s. 165.83 (2) (g).

(6) All persons in charge of law enforcement agencies in this state shall furnish the division with any other identifying data required in accordance with guidelines established by the division. All law enforcement agencies and penal and correctional institutions in this state having criminal identification files shall cooperate in providing to the division copies of such items in these files as will aid in establishing the nucleus of the state criminal identification file.

SECTION 5. 963.04 (8) of the statutes, as affected by chapter —, laws of 1969 (Senate Bill 355), is amended to read:

963.04 (8) Firearms, ammunition, explosives, bombs, infernal machines, and like devices, which have been used in the commission of crime, shall be shipped to and become the property of the crime laboratory ~~division~~. Articles mentioned in sub. (5) shall be turned over to said laboratory at the request of the administrator of *the division of law enforcement services*, in lieu of destruction. The administrator may destroy any such material for which the laboratory has no use or arrange for the exchange of such material with other public agencies. In lieu of destruction, shoulder weapons ~~only~~ for which the laboratory has no use shall be turned over to the department of natural resources. The sale and disposition of the proceeds shall be as provided by s. 29.06.

SECTION 6. The appropriation in section 20.455 (2) (a) of the statutes, as affected by the laws of 1969, is increased by \$— for the fiscal year 1969-70 and by \$— for the fiscal year 1970-71 for the purpose of conducting the program of criminal identification, records and statistics assigned by this act to the division of law enforcement services in the department of justice.

SECTION 7. NAME CHANGES. (1) Wherever the term "crime laboratory division" appears in sections 15.251 (1), 15.253 (1) and 165.75 (1) (b) and subchapter III (title) of chapter 165 of the statutes, as affected by chapter —, laws of 1969 (Senate Bill 355), the term "division of law enforcement services" is substituted.

(2) Wherever the term "crime laboratory division" appears in section 165.75 (title) and (1) (a) of the statutes, as affected by chapter —, laws of 1969 (Senate Bill 355), the term "crime laboratory" is substituted.

(3) Wherever the term "federal bureau of investigation" appears in sections 165.78 (1) of the statutes, as affected by chapter —, laws of 1969 (Senate Bill 355), and in 959.12 (1) of the statutes, the term "F.B.I." is substituted.

Approved November 13, 1969.