



2007 ASSEMBLY BILL 373

May 29, 2007 - Introduced by Representatives FRISKE, STASKUNAS, BIES, ALBERS, MURSAU, BALLWEG, VOS, JESKEWITZ, HAHN, MUSSER, TOWNSEND and A. OTT, cosponsored by Senators A. LASEE, SCHULTZ and DARLING. Referred to Committee on Judiciary and Ethics.

1 **AN ACT** *to create* 906.15 (2) (bm) of the statutes; **relating to:** an exemption from
2 the witness exclusion rule in criminal and delinquency proceedings for a law
3 enforcement officer designated by the state.

Analysis by the Legislative Reference Bureau

Under current law, upon the request of a party to a legal proceeding, a judge must issue an order excluding witnesses from the proceeding so that they cannot hear each other's testimony. A judge may also independently order witnesses excluded. However, a witness exclusion order does not apply to: a person who is a party to the proceeding; a representative of a company or other entity that is a party to the proceeding; a person whose presence is shown to be essential to the presentation of a party's cause; or, in criminal or delinquency cases, the victim of the crime or delinquent act, unless the judge finds that exclusion of the victim is necessary for a fair trial.

This bill provides that in criminal or delinquency cases a witness exclusion order does not apply to a law enforcement officer designated by the prosecutor. The court may, however, require that the law enforcement officer testify before any other witnesses are called.

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

