



1995 SENATE BILL 452

December 13, 1995 – Introduced by Senators BURKE and ADELMAN, cosponsored by Representatives BOCK, ALBERS, NOTESTEIN, OTT and PLACHE. Referred to Committee on Judiciary.

1 **AN ACT to amend** 19.37 (4); and **to create** 16.61 (14) of the statutes; **relating**
2 **to:** unauthorized destruction, concealment or removal or damage to public
3 records and providing penalties.

Analysis by the Legislative Reference Bureau

Currently, unless otherwise provided, state public records may not be destroyed without the written approval of the public records board. Counties, cities, villages, towns, school districts and metropolitan sewerage districts may provide for the destruction of public records in their custody which they determine to be obsolete. Any public officer who fails to deliver a public record in his or her custody to his or her successor is guilty of a misdemeanor and must be fined not more than \$100 or imprisoned for not more than 6 months. No governmental entity may destroy a public record while a request for inspection is pending or under appeal, or within 60 days after denial of a request for inspection, but no specific penalty applies to violations. Any person who, with intent to injure or defraud, destroys, damages, conceals or removes any public record is guilty of a Class D felony and may be fined not more than \$10,000 or imprisoned for not more than 5 years, or both.

This bill prohibits any person from destroying, damaging or concealing a public record, or removing a public record from the location where it is required by law or by its custodian to be kept unless destruction or removal is authorized by law. Violators are subject to a forfeiture (civil penalty) of not more than \$100 for each violation. The bill also extends the same civil penalty to apply to any state or local governmental unit which or records custodian who destroys a public record while a request for inspection is pending or under appeal, or within 60 days after a request for inspection is denied.

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

