



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBa0781/1
GMM:mfd:hmh

**ASSEMBLY AMENDMENT 3,
TO 1997 ASSEMBLY BILL 410**

September 9, 1997 - Offered by Representative LADWIG.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 14: after "code" insert ", access to juvenile court records, law
3 enforcement agency records, social services agency records and pupil records by a fire
4 investigator".

5 **2.** Page 9, line 22: after that line insert:

6 "SECTION 8d. 118.125 (2) (cg) of the statutes is amended to read:

7 118.125 (2) (cg) The school district clerk or his or her designee shall provide a
8 law enforcement agency with a copy of a pupil's attendance record if the law
9 enforcement agency certifies in writing that the pupil is under investigation for
10 allegedly committing a criminal or delinquent act and that the law enforcement
11 agency will not further disclose the pupil's attendance record except as permitted
12 under s. 938.396 (1) to ~~(1r)~~ (1x).

13 **SECTION 8g.** 118.125 (2) (ch) of the statutes is created to read:

1 118.125 (2) (ch) The school district clerk of his or her designee shall provide a
2 fire investigator under s. 165.55 (15) with a copy of a pupil's attendance record if the
3 fire investigator certifies in writing that the pupil is under investigation under s.
4 165.55, that the pupil's attendance record is necessary for the fire investigator to
5 pursue his or her investigation and that the fire investigator will use and further
6 disclose the pupil's attendance record only for the purpose of pursuing that
7 investigation.

8 **SECTION 8m.** 118.125 (2) (L) of the statutes is amended to read:

9 118.125 (2) (L) A school board shall disclose the pupil records of a pupil in
10 compliance with a court order under s. 48.345 (12) (b), 938.34 (7d) (b), 938.396 (1m)
11 (c) or (d) or 938.78 (2) (b) 2. after making a reasonable effort to notify the pupil's
12 parent or legal guardian.

13 **SECTION 8r.** 165.55 (14) of the statutes is amended to read:

14 165.55 (14) The state fire marshal, any deputy fire marshal ~~or, any~~ fire chief
15 or his or her designee may require an insurer, including the state acting under ch.
16 619, to furnish any information in its possession relating to a fire loss involving
17 property with respect to which a policy of insurance issued or serviced by the insurer
18 may apply. Any insurer, including the state, may furnish to the state fire marshal,
19 any deputy fire marshal ~~or, any~~ fire chief or designee information in its possession
20 relating to a fire loss to which insurance issued by it may apply. In the absence of
21 fraud or malice, no insurer furnishing information under this subsection, state fire
22 marshal, deputy fire marshal ~~or, fire chief~~ or designee, and no person acting on behalf
23 of the insurer, state fire marshal, deputy fire marshal ~~or, fire chief~~ or designee, shall
24 be liable in any civil or criminal action on account of any statement made, material
25 furnished or action taken in regard thereto. Information furnished by an insurer

1 under this subsection shall be held in confidence by the state fire marshal, deputy
2 fire marshal ~~or~~, fire chief or designee and all subordinates until release or publication
3 is required pursuant to a civil or criminal proceeding. Information obtained by the
4 state fire marshal, any deputy fire marshal ~~or~~, fire chief or designee during their
5 investigations of fires determined to be the result of arson may be available to the
6 insurer of the property involved.

7 **SECTION 8t.** 165.55 (15) of the statutes is created to read:

8 165.55 (15) The state fire marshal, any deputy fire marshal, any fire chief or
9 his or her designee may obtain information relating to a juvenile from a law
10 enforcement agency, a court assigned to exercise jurisdiction under chs. 48 and 938
11 or an agency, as defined in s. 938.78 (1), as provided in ss. 938.396 (1x) and (2) (j) and
12 938.78 (2) (b) 1. and may obtain information relating to a pupil from a public school
13 as provided in ss. 118.125 (2) (ch) and (L) and 938.396 (1m) (d).”.

14 **3.** Page 23, line 8: after that line insert:

15 “**SECTION 37p.** 938.396 (1) of the statutes is amended to read:

16 938.396 (1) Law enforcement officers’ records of juveniles shall be kept
17 separate from records of adults. Law enforcement officers’ records of juveniles shall
18 not be open to inspection or their contents disclosed except under sub. (1b), (1d), (1g),
19 (1m), (1r) ~~or~~, (1t) or (1x) or s. 938.293 or by order of the court. This subsection does
20 not apply to representatives of the news media who wish to obtain information for
21 the purpose of reporting news without revealing the identity of the juvenile involved,
22 to the confidential exchange of information between the police and officials of the
23 school attended by the juvenile or other law enforcement or social welfare agencies

1 or to juveniles 10 years of age or older who are subject to the jurisdiction of the court
2 of criminal jurisdiction.

3 **SECTION 37r.** 938.396 (1m) (d) of the statutes is created to read:

4 938.396 (1m) (d) On petition of a fire investigator under s. 165.55 (15) to review
5 pupil records, as defined in s. 118.125 (1) (d), other than pupils records that may be
6 disclosed without a court order under s. 118.125 (2) or (2m), for the purpose of an
7 investigation under s. 165.55, the court may order the school board of the school
8 district in which a juvenile is enrolled to disclose to the fire investigator the pupil
9 records of that juvenile as necessary for the fire investigator to pursue his or her
10 investigation. The fire investigator may use the pupil records only for the purpose
11 of pursuing his or her investigation and may make the pupil records available only
12 to employes of the fire investigator who are working on the investigation.

13 **SECTION 37t.** 938.396 (1x) of the statutes is created to read:

14 938.396 (1x) If requested by a fire investigator under s. 165.55 (15), a law
15 enforcement agency may, subject to official agency policy, disclose to the fire
16 investigator any information in its records relating to a juvenile as necessary for the
17 fire investigator to pursue his or her investigation under s. 165.55. The fire
18 investigator may use and further disclose the information only for the purpose of
19 pursuing that investigation.”.

20 **4.** Page 25, line 2: after that line insert:

21 **“SECTION 42d.** 938.396 (2) (j) of the statutes is created to read:

22 938.396 (2) (j) Upon request of a fire investigator under s. 165.55 (15) to review
23 court records for the purpose of pursuing an investigation under s. 165.55, the court
24 shall open for inspection by authorized representatives of the requester the records

1 of the court relating to any juvenile who has been adjudicated delinquent or found
2 to be in need of protection or services under s. 938.13 (12) or (14) for a violation of s.
3 940.08, 940.24, 941.10, 941.11, 943.01, 943.012, 943.013, 943.02, 943.03, 943.04,
4 943.05, 943.06 or for an attempt to commit any of those violations.

5 **SECTION 42t.** 938.78 (2) (b) 1. of the statutes is amended to read:

6 938.78 (2) (b) 1. Paragraph (a) does not apply to the confidential exchange of
7 information between an agency, another social welfare agency, a law enforcement
8 agency, the victim-witness coordinator, a fire investigator under s. 165.55 (15) or a
9 public school district regarding an individual in the care or legal custody of the
10 agency.”.

11 **5.** Page 29, line 18: delete “COURT”.

12 **6.** Page 29, line 19: delete “938.35 (1) (a) and (c), 938.396” and substitute
13 “118.125 (2) (cg), (ch) and (L), 165.55 (14) and (15), 938.35 (1) (a) and (c), 938.396 (1),
14 (1m) (d), (1x) and”.

15 **7.** Page 29, line 20: delete “and (i)” and substitute “, (i) and (j), 938.78 (2) (b)
16 1.”.

17 **8.** Page 29, line 21: delete “court”.

18 **(END)**