

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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April 5, 1999

This draft does not amend s. 175.40 (2), stats., which allows an officer who is in "fresh pursuit" to follow a suspected violator anywhere in the state, or s. 976.04, stats., the uniform act on close pursuit, which allows officers from other states to pursue felons into this state. We left those statutes alone because the "fresh" or "close" pursuit covered by them is not necessarily the "hot" pursuit covered by the exemption from certain rules of the road under s. 346.03, stats. To the extent that "fresh" or "close" pursuit becomes "hot" pursuit, it will be governed by s. 346.03, stats.

Under the draft, a law enforcement officer who engages in "hot" pursuit outside the 2-mile radius of his or her home could be ticketed for any traffic violations that he or she commits during that "hot" pursuit. Should the draft also provide that if a police officer violates proposed s. 346.03 (4h) and thereby obtains any evidence of a criminal or civil offense, then the evidence may not be used against the driver in court?

Please let us know if you have any questions or changes.

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