

1999 ASSEMBLY BILL 328

May 6, 1999 – Introduced by Representatives RILEY, STONE, KLUSMAN, GROTHMAN, ALBERS, GOETSCH and POWERS, cosponsored by Senators BURKE, ROESSLER, HUELSMAN and PANZER. Referred to Committee on Corrections and the Courts.

- 1 **AN ACT to repeal** 970.03 (12) (c) 2.; and **to renumber and amend** 970.03 (12)
2 (c) 1. of the statutes; **relating to:** admitting certain police identification reports
3 at preliminary examinations.

Analysis by the Legislative Reference Bureau

Under current law, a report of one of the state crime laboratories, the state laboratory of hygiene, a federal bureau of investigation laboratory, a hospital laboratory or a local health department must be admitted as evidence, if relevant, at a preliminary examination in a criminal action if the report is certified as correct by the applicable agency or unit head or his or her designee. The expert who made the findings in the report does not need to be called as a witness.

There is a different procedure, however, for latent fingerprint reports by the Milwaukee city police latent fingerprint identification unit. A latent fingerprint report must be received at the preliminary examination only if the state provides the defendant's attorney with a copy of the report at least 72 hours before the preliminary examination. Further, if the defendant so requests in a timely manner, the state must call the expert who prepared the report in order to have the report admitted.

This bill makes the procedure for admitting a latent fingerprint report by the Milwaukee city police latent fingerprint identification unit the same as the procedure for admitting reports from crime, hospital and health laboratories. Thus, under the bill, a latent fingerprint report by the Milwaukee city police latent fingerprint identification unit must be admitted in evidence, if relevant, at a

