

1999 DRAFTING REQUEST

Bill

Received: **01/20/99**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Antonio Riley (608) 266-0645**

By/Representing: **Chris**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - procedure**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Preliminary hearing testimony by identification technicians

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	olsenje 03/6/99	jgeller 03/8/99	ismith 03/9/99	_____ _____	lrb_docadmin 03/9/99	lrb_docadminS&L 04/6/99	

FE Sent For:

05-06-99

<END>

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~~1897~~
1897

State Representative Antonio Riley

TO: LRB drafting attorneys

FROM: State Representative Antonio Riley

DATE: January 13, 1999

RE: Drafting requests for amending s. 941.23 of the Wisconsin State Statutes.

Memorandum


I am requesting several bills to be drafted on the behest of the City of Milwaukee and the Milwaukee Police Department.

Identification Technicians:

Amend s. 970.03(12) to exempt Milwaukee Police Department Fingerprint experts from testifying at preliminary hearings, and allow reports certified by the Chief of Police or his or her designee on findings by Fingerprint experts to be admitted at the preliminary examination. This legislation would not require the expert to be called as a witness, which would save considerable amount of staff time and allow the Milwaukee Police Department greater flexibility in allocating personnel.

Please let me know how quickly you can finish these drafts. Of course, if you have any questions or problem, please give my office a call. The staff contact is Chris Gunst at x48481.

Thanks for your time and work.


Antonio J. Riley
State Representative
18TH Assembly District

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1897/1

JEO:.....

JLg

1999 BILL

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1 AN ACT ...; relating to: admitting certain police identification reports at
2 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 preliminary examination in a criminal action if the report is certified as correct by the chief of police or his or her designee. The expert who made the findings in the report does not need to be called as a witness in order to have the report admitted.

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 3/9/99

To: Representative Riley

Relating to LRB drafting number: LRB-1897

Topic

Preliminary hearing testimony by identification technicians

Subject(s)

Criminal Law - procedure

1. **JACKET** the draft for introduction _____
in the **Senate** ____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jefren E. Olsen, Legislative Attorney
Telephone: (608) 266-8906