

2001 DRAFTING REQUEST

Bill

Received: 11/16/2000

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Steve Wieckert (608) 266-3070

By/Representing: Scott Becker

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Alt. Drafters:

Subject: Transportation - driver licenses

Extra Copies: TNF

Pre Topic:

No specific pre topic given

Topic:

Access to photographs of applicants for drivers' licenses

Instructions:

redraft AB 769

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>
/?	phurley 11/29/2000	gilfokm 12/13/2000					State
/1			jfrantze 12/18/2000		lrb_docadmin 12/18/2000	lrb_docadmin 02/28/2001	

FE Sent For: 01/11/2001.

Handwritten: (1/11) with an arrow pointing to the date.

<END>

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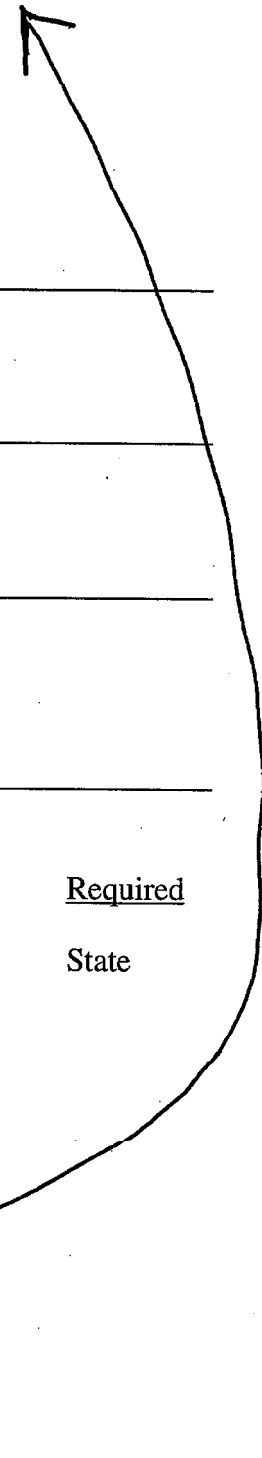
<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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Handwritten notes:

- 01-11-01
- "/1"
- Requested By



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1?	phurley		12/15	12/18			

FE Sent For:

<END>



State of Wisconsin
2001 - 2002 LEGISLATURE

1043/1
LRB-075517
PJH: /...
mg

2001 BILL

Enc 11-29-00

D-note

Gen. Cat.

1 AN ACT **relating to: access by law enforcement agencies to photographs on**
2 motor vehicle operators' licenses and identification cards.

Analysis by the Legislative Reference Bureau

With limited exceptions, current law requires the department of transportation (DOT) to take a photograph of all applicants for an operator's license or identification card. DOT may keep copies of the photographs for its own use but generally must keep the photographs confidential. However, DOT may release a photograph to the individual whose photograph was taken. In addition, DOT may, under certain circumstances, release a copy of a photograph taken on or after September 1, 1997, to a Wisconsin law enforcement agency or a law enforcement agency of a physically adjacent state. Beginning January 1, 2003, DOT may not release photographs to any person other than the subject of the photograph.

on

DOT may release a copy of a photograph to a Wisconsin law enforcement agency only if the agency submits a written request specifying the name of the person whose photograph is requested and stating that the photograph is requested for the purpose of investigating unlawful activity, looking for a missing person, or identifying an accident victim or a deceased person. DOT may provide a copy of the photograph to a law enforcement agency of a physically adjacent state if the agency makes a written request in the same manner as a Wisconsin law enforcement agency and if the physically adjacent state provides Wisconsin law enforcement agencies with access to similar information.

If a law enforcement agency receives a copy of a photograph from DOT, the agency must keep the copy of the photograph confidential and may disclose it only

to

5

BILL

if necessary to perform a law enforcement function. When the copy of the photograph is no longer necessary for the investigatory or identification purpose specified in ~~the~~ ^a request for ~~the~~ ^{the} copy of the photograph, the law enforcement agency must destroy any copies of the photograph in its possession.

This bill allows DOT to release a copy of a photograph to any state or federal law enforcement agency if the law enforcement agency makes a written request in the same manner as a Wisconsin law enforcement agency. The same restrictions regarding the use and possession of a released photograph that apply to Wisconsin law enforcement agencies also apply to the other state's law enforcement agency and the federal law enforcement agency requesting a photograph from DOT.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 343.237 (1) (a) of the statutes is renumbered 343.237(1)(ar) and
2 amended to read:

3 343.237 (1) (ar) "Law enforcement agency of a ~~physically adjacent another~~ ^{strike space}
4 state" ~~has the meaning given in s. 175.46 (1) (b)~~ means a governmental unit of one
5 or more persons employed by a state other than this state or by a political subdivision
6 of a state other than this state for the purpose of preventing and detecting crime and
7 enforcing laws or ordinances of that state or a political subdivision of that state,
8 employees of which unit are authorized to make arrests for crimes while acting
9 within the scope of their authority.

History: 1997 a. 119, 237.

10 SECTION 2. 343.237 (1) (ag) of the statutes is created to read:

11 343.237 (1) (ag) "Federal law enforcement agency" means a governmental unit
12 of one or more persons employed by the federal government for the purpose of
13 preventing and detecting crime and enforcing federal laws, employees of which unit
14 are authorized to make arrests for crimes while acting within the scope of their
15 authority.

BILL

1 **SECTION 3.** 343.237 (3) (intro.) of the statutes is amended to read:

2 343.237 (3) (intro.) The department shall provide a Wisconsin law enforcement
3 agency or a federal law enforcement agency with a copy of a photograph taken on or
4 after September 1, 1997, of an applicant under s. 343.14 (3) or 343.50 (4) if the
5 department receives a written request on the Wisconsin law enforcement agency's
6 letterhead that contains all of the following:

History: 1997 a. 119, 237.

7 **SECTION 4.** 343.237 (3) (b) of the statutes is amended to read:

8 343.237 (3) (b) The name of the person making the request and the Wisconsin
9 law enforcement agency that employs the requester.

History: 1997 a. 119, 237.

10 **SECTION 5.** 343.237 (3) (c) (intro.) of the statutes is amended to read:

11 343.237 (3) (c) (intro.) A statement signed by a division commander or higher
12 authority within the Wisconsin law enforcement agency that the photograph is
13 requested for any of the following purposes:

History: 1997 a. 119, 237.

14 **SECTION 6.** 343.237 (4) (intro.) of the statutes is amended to read:

15 343.237 (4) (intro.) If a law enforcement agency of a ^{strike space} ~~physically adjacent~~
16 another state makes a request meeting all the requirements specified for a request
17 by a Wisconsin law enforcement agency or a federal law enforcement agency under
18 sub. (3), the department shall comply with the request if all of the following apply:

History: 1997 a. 119, 237.

19 **SECTION 7.** 343.237 (4) (a) of the statutes is amended to read:

20 343.237 (4) (a) The law enforcement agency of the ~~physically adjacent other~~
21 state agrees to comply with ^{of} ~~all~~ the requirements under this section.

History: 1997 a. 119, 237.

22 **SECTION 8.** 343.237 (4) (b) of the statutes is amended to read:

BILL

1 343.237 (4) (b) The ~~physically adjacent~~ other state allows Wisconsin law
2 enforcement agencies similar or greater access to similar information from that
3 ~~physically adjacent~~ state.

4 History: 1997 a. 119, 237.

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

10/3/02
LRB-075511dn

PJH:.....
mg

Wieckert:

Representative La Fave

Please review this draft carefully to ensure that it is consistent with your intent.

I have amended s. 343.237 to allow the Department of Transportation (DOT) to release photographs to any state or federal law enforcement agency if certain statutory requirements are met. Please note that s. 343.237 of the Wisconsin statutes will bar the release of any photograph after December 31, 2002. Let me know if you would like to address this.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1043/1dn
PJH:kmg:jf

December 15, 2000

Representative Wieckert:

Please review this draft carefully to ensure that it is consistent with your intent.

I have amended s. 343.237 to allow the Department of Transportation (DOT) to release photographs to any state or federal law enforcement agency if certain statutory requirements are met. Please note that s. 343.237 (11) of the statutes will bar the release of any photograph after December 31, 2002. Let me know if you would like to address this.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

December 18, 2000

MEMORANDUM

To: Representative Wieckert

From: Peggy J. Hurley, Legislative Attorney

Re: LRB-1043 Access to photographs of applicants for drivers' licenses

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-8906 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
P. O. BOX 2037
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
REFERENCE SECTION: (608) 266-0341
FAX: (608) 266-5648

STEPHEN R. MILLER
CHIEF

LRB
2

January 25, 2001

MEMORANDUM

To: Representative Wieckert

From: Peggy Hurley, Attorney, (608) 266-8906

Subject: Technical Memorandum to 2001 AB-167 (LRB 01-1043/1)

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

LRB
2

Date: 1/18/01

File Ref:

To: Legislative Reference Bureau

From: James Thiel
General Counsel, Department of Transportation

Subject: Technical Note for LRB 1043

As it is currently drafted, LRB 1043 attempts to allow other state and federal law enforcement agencies access to Wisconsin's digitized photos. In section 3, line 4, we suggest that "Wisconsin" be stricken to allow the department to carry out the intent of the proposal.

Agency/Prepared by: (Name & Phone No.)

Authorized Signature