

**ASSEMBLY AMENDMENT 2,
TO 2001 ASSEMBLY BILL 291**

June 12, 2001 – Offered by Representatives WALKER and WASSERMAN.

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

2 **1.** Page 6, line 21: delete the material beginning with “provided” and ending
3 with “Whenever” on line 23 and substitute “provided by law, either destroy the same
4 evidence, retain it in the laboratories, return it to the submitting officer or agency,
5 or turn it over to the University of Wisconsin upon the request of the head of any
6 department. Whenever of the University of Wisconsin. If the department returns
7 the evidence to the submitting officer or agency, any action taken by the officer or
8 agency with respect to the evidence shall be in accordance with s. 968.20.”.

9 **2.** Page 8, line 12: delete the material beginning with “authorizes” and ending
10 with “destruction” on line 13 and substitute “orders destruction or transfer”.

11 **3.** Page 8, line 13: after that line insert:

12 “(f) Unless otherwise provided in a court order issued under s. 974.07 (9) (a) or
13 (b) or (10) (a) 5., nothing in this subsection prohibits the laboratories from returning

1 evidence specified under par. (c) to the agency that submitted the evidence to the
2 laboratories. If the laboratories return evidence specified under par. (c) to a
3 submitting agency, any action taken by the agency with respect to the evidence shall
4 be in accordance with s. 968.205.”.

5 **4.** Page 10, line 2: delete “authorizes destruction” and substitute “orders
6 destruction or transfer”.

7 **5.** Page 16, line 25: delete “authorizes destruction” and substitute “orders
8 destruction or transfer”.

9 **6.** Page 24, line 23: after “evidence.” insert “The court may not issue an order
10 under this paragraph requiring that an agency transfer evidence to a crime
11 laboratory specified under s. 165.75 for the purpose of preservation of the evidence
12 by the crime laboratory, unless the crime laboratory consents to the transfer.”.

13 **7.** Page 25, line 2: after “determinations.” insert “The court may not issue an
14 order under this paragraph requiring that an agency transfer evidence to a crime
15 laboratory specified under s. 165.75 for the purpose of preservation of the evidence
16 by the crime laboratory, unless the crime laboratory consents to the transfer.”.

17 **8.** Page 28, line 19: delete the material beginning with “authorizes” and
18 ending with “destruction” on line 20 and substitute “orders destruction or transfer”.

19 (END)