

**2001 DRAFTING REQUEST**

**Bill**

Received: 12/08/2000

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing:

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Courts - civil procedure

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Inadmissibility as evidence of a digitally produced photograph, film, or video

**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>
/P1	nelsorp1 01/08/2001	wjackson 01/09/2001		_____			S&L
/1			kfollet 01/30/2001	_____	lrb_docadmin 01/30/2001		S&L
/2	nelsorp1 02/07/2001	wjackson 02/08/2001	martykr 02/08/2001	_____	lrb_docadmin 02/08/2001	lrb_docadmin 03/08/2001	S&L

FE Sent For:

→ At Intro.

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**Topic:**

Inadmissibility as evidence of a digitally produced photograph, film, or video

**Instructions:**

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/P1	nelsorp1 01/08/2001	wjackson 01/09/2001					S&L
/1		<i>12 2/8 WLJ</i>	kfollet 01/30/2001		lrb_docadmin 01/30/2001		S&L

*kmz* *PG 2/4*  
*2/18*

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<END>

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May Contact:

Alt. Drafters:

Subject: Courts - civil procedure

Extra Copies: RLR, 1960

Pre Topic:

No specific pre topic given

Topic:

In Admissibility of a digitally produced photograph, film, or video  
~~Inadmissibility as evidence of digital photographs or videos, except in child pornography cases~~

Instructions: set

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?	nelsorp1	1/11 WLJ 1/9	CR 4 1/30 /1	CR 11 WLS			

FE Sent For:

<END>



WJ

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS:  
Please fix  
request sheet

GEN

1  
2

AN ACT ...; relating to: admissibility of a digitally produced photograph, film or video.

motion picture

**Analysis by the Legislative Reference Bureau**

Under current law, if properly authenticated as being a true representation of the image in the photograph or film, an original of a photograph or motion picture may be admitted in evidence to prove the content of the photograph or motion picture. This bill prohibits the introduction of a photograph, film, motion picture or video of a person, place, document, or event to prove the content of the photograph, film, motion picture, or video if that photograph, film, motion picture, or video is created or stored by data in the form of numerical digits. The prohibition under this bill does not apply to the use of such digital representations in actions to enforce a crime related to child pornography.

For further information see the **state and local** 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:**

# RN 910.01 (1); 910.01 (1m)

3

SECTION 1. 910.01 (1) of the statutes is created to read:

1g

1                    910.01 (1<sup>g</sup>~~7~~) DIGITAL REPRESENTATION. "Digital representation" means any  
 2 image of a person, place, document, or event that is created or stored by data in the  
 3 form of numerical digits.

4                    SECTION 2. 910.01 (2)<sup>↓</sup> of the statutes is amended to read:

5                    910.01 (2) PHOTOGRAPHS. "Photographs" include still photographs, X-ray films,  
 6 and motion pictures, and digital representations.

History: Sup. Ct. Order, 59 Wis. 2d R1, R351 (1973); 19<sup>g</sup>5 a. 225.

7                    SECTION 3. 910.025<sup>g</sup> of the statutes is created to read:

8                    910.025 Inadmissibility of a digital representation. In any action or  
 9 proceeding, except an action under s. 948.05<sup>↓</sup> or s. 948.12<sup>↓</sup>, a digital representation in  
 10 the form of a photograph, film, motion picture, or video is not admissible for purposes  
 11 of proving the content of that digital representation.

12                    (END)



# State of Wisconsin

RPN

## 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

January 30, 2001

### MEMORANDUM

*Bob, MARLIN  
would like to  
include DIGITAL  
"AUDIO" ON THIS.  
HANK'S*

To: Representative Schneider  
From: Robert P. Nelson, Senior Legislative Attorney

Re: LRB-1398 Inadmissibility as evidence of a digitally produced photograph, film, or video

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) 267-7511 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  
2001 - 2002 LEGISLATURE

LRB-1398/1  
RPN:wlj:cmh

## 2001 BILL

1     **AN ACT** *to renumber* 910.01 (1); *to amend* 910.01 (2); and *to create* 910.01 (1g)  
2             and 910.025 of the statutes; **relating to:** admissibility of a digitally produced  
3             photograph, film, or video.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, if properly authenticated as being a true representation of the image in the photograph or motion picture, an original of a photograph or motion picture may be admitted in evidence to prove the content of the photograph or motion picture. This bill prohibits the introduction of a photograph, film, motion picture, or video of a person, place, document, or event to prove the content of the photograph, film, motion picture, or video if that photograph, film, motion picture, or video is created or stored by data in the form of numerical digits. The prohibition under this bill does not apply to the use of such digital representations in actions to enforce a crime related to child pornography.

For further information see the *state and local* 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:*

4             **SECTION 1.** 910.01 (1) of the statutes is renumbered 910.01 (1m).

5             **SECTION 2.** 910.01 (1g) of the statutes is created to read:



**BILL**

1           **910.01 (1g) DIGITAL REPRESENTATION.** "Digital representation" means any  
2 image of a person, place, document, or event that is created or stored by data in the  
3 form of numerical digits.

4           **SECTION 3.** 910.01 (2) of the statutes is amended to read:

5           **910.01 (2) PHOTOGRAPHS.** "Photographs" include still photographs, X-ray films,  
6 and motion pictures, and digital representations.

7           **SECTION 4.** 910.025 of the statutes is created to read:

8           **910.025 Inadmissibility of a digital representation.** In any action or  
9 proceeding, except an action under s. 948.05 or 948.12, a digital representation in the  
10 form of a photograph, film, motion picture, or video is not admissible for purposes of  
11 proving the content of that digital representation.

12

(END)



OTHER

2001 BILL

REGEN

1 AN ACT to renumber 910.01 (1); to amend 910.01 (2); and to create 910.01 (1g)

2 and 910.025 of the statutes; relating to: admissibility of a digitally produced

3 photograph, film, <sup>audio</sup> or video.

*Analysis by the Legislative Reference Bureau*

Under current law, if properly authenticated as being a true representation of the image in the photograph or motion picture, an original of a photograph or motion picture may be admitted in evidence to prove the content of the photograph or motion picture. This bill prohibits the introduction of a photograph, film, motion picture, or video of a person, place, document, <sup>sound</sup> or event to prove the content of the photograph, film, motion picture, <sup>audio</sup> or video if that photograph, film, motion picture, <sup>audio</sup> or video is created or stored by data in the form of numerical digits. The prohibition under this bill does not apply to the use of such digital representations in actions to enforce a crime related to child pornography.

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

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- 5 SECTION 2. 910.01 (1g) of the statutes is created to read:

**BILL**

1           910.01 (1g) DIGITAL REPRESENTATION. "Digital representation" means any  
2     *recording or* image of a person, place, document, *sounds* or event that is created or stored by data in the  
3     form of numerical digits.

4           **SECTION 3.** 910.01 (2) of the statutes is amended to read:

5           910.01 (2) PHOTOGRAPHS. "Photographs" include still photographs, X-ray films,  
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9     proceeding, except an action under s. 948.05 or 948.12, a digital representation in the  
10    form of a photograph, film, motion picture, *audio,* or video is not admissible for purposes of  
11    proving the content of that digital representation.

12

(END)



# State of Wisconsin

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MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION:  
LEGAL FAX:

(608) 266-3561  
(608) 264-6948

February 8, 2001

### MEMORANDUM

To: Representative Schneider

From: Robert P. Nelson, Senior Legislative Attorney

Re: LRB-1398 Inadmissibility as evidence of a digitally produced photograph, film, or video

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.

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