

Mon. (11/12) AM

2001 - 2002 LEGISLATURE

JTK/DK/PK/RN/ML/PD/RC/MK/GM:wlf:kjf

LRB-3774/1-2

Handwritten scribbles and initials, possibly "EJS".

# 2001 BILL

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1 AN ACT to renumber 19.37 (4) and 36.11 (35) (title); to renumber and amend  
2 36.11 (35) and 48.396 (2) (g); to amend 40.51 (8), 40.51 (8m), 48.396 (1), 48.396  
3 (5) (a) (intro.), 59.20 (3) (d), 66.0137 (4), 100.264 (2) (intro.), 100.52 (10), 111.91  
4 (2) (kc), 120.13 (2) (g), 146.81 (1) (fm), 146.81 (4), 146.82 (2) (a) 20., 185.981 (4t),  
5 185.983 (1) (intro.), 301.029 (2) (a), 938.396 (1), 938.396 (2) (c), 938.396 (2) (gm)  
6 and 938.396 (5) (a) (intro.); and to create 13.0991, 19.32 (1bg), (1dm), (2g) and  
7 (4), 19.356, 19.36 (10), 19.37 (2) (c), 19.37 (4) (b) and (c), 22.21, 36.32 (1), 40.07  
8 (4), 48.396 (1h), 48.396 (1j), 48.396 (1k), 48.396 (2) (c), 48.396 (2) (gr), 100.52 (1)  
9 (am), 100.52 (1) (bg) and (br), 100.52 (4) (a) 4., 100.52 (4) (a) 5., 134.92, 146.833,  
10 146.84 (1) (d), 230.08 (4) (b) 5., 609.837, 610.65, 938.396 (1h), 938.396 (1j),  
11 938.396 (1k), 938.396 (2) (gr) and 971.19 (11) of the statutes; relating to: the  
12 use of a person's social security number in his or her student identification  
13 number at private institutions of higher education; ~~prohibiting showing social~~  
14 ~~security numbers on insurance identification cards, department of corrections~~

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1 contracts involving prisoner access to an individual's date of birth; requiring  
2 pharmacies to keep patient health care records confidential; access to certain  
3 public records containing personally identifiable information; the place of trial  
4 for persons charged with certain crimes; use of social security numbers as  
5 medical identifiers; access to certain public records containing social security  
6 account numbers of individuals; ~~prohibiting the disclosure of information on~~  
7 ~~credit card receipts for the purchase of motor fuel~~; preparation of privacy  
8 impact statements for bills that would impact personal privacy; prohibiting  
9 certain telephone solicitations; appointment of certain officers in the  
10 department of electronic government; disclosure of the records of a law  
11 enforcement agency or of a juvenile or municipal court to other law enforcement  
12 agencies, to other juvenile or municipal courts, to juvenile court intake workers,  
13 and to district attorneys, corporation counsels, and other representatives of the  
14 public interest; and providing penalties.

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***Analysis by the Legislative Reference Bureau***

This bill creates various prohibitions, restrictions, and requirements, and makes changes in existing laws with respect to protection of personal privacy and security of personal information, and changes the place of trial for certain existing crimes. The changes include:

***Identification numbers for private college students***

Under current law, the University of Wisconsin System, a technical college district board, a school board, and the governing body of a private school are prohibited from assigning to any student an identification number that is identical to or incorporates the student's social security number.

Beginning January 1, 2007, this bill extends this prohibition to private institutions of higher education located in this state.

***Prohibiting social security numbers on insurance cards***

This bill prohibits an identification card, or other similar identification device, that is issued to an insured or enrollee from showing the insured's or enrollee's social security number as an identification number or in any other manner. The prohibition applies to an insurer; a risk-sharing plan, including the state health

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insurance risk-sharing plan; the private employer health care coverage program established by the department of employee trust funds; and any self-insured plan of the state or a county, city, village, town, or school district. Current law does not address information shown on insurance identification cards or prohibit using a person's social security number as, or in, the person's insurance identification number.

***Prohibiting prisoners who perform data entry from having access to an individual's date of birth***

Under current law, the department of corrections (DOC) is prohibited from entering into any contract that would result in a prisoner performing data entry or telemarketing services and having access to an individual's financial transaction card numbers, checking or savings account numbers, or social security number. This bill adds an individual's date of birth to the list of information that a prisoner may not have access to while doing data entry or telemarketing services under a contract entered into by DOC.

***Requiring pharmacies to keep patient health care records confidential***

Under current law, all records related to the health of a patient that are prepared by or under the supervision of a health care provider (patient health care records) are confidential and may be released only to persons with the informed consent of the patient or of a person authorized by the patient. There are numerous exceptions to this prohibition, including the instance in which the patient health care records and the circumstances of the release do not provide information that would permit the patient to be identified. Both civil liability and criminal penalties apply to violations related to the unauthorized release of patient health care records. Also under current law, the pharmacy examining board may deny, revoke, suspend, or limit the license of or reprimand a pharmacy or pharmacist that violates state law.

This bill expands the definitions of "health care provider," and "patient health care record," for the purposes of confidentiality of patient health care records, to include a pharmacy that is licensed by the pharmacy examining board. The bill also establishes civil liability for a person who obtains a patient health care record from a pharmacy or pharmacist under circumstances that constitute a violation of the patient health care confidentiality laws.

***Access to public records containing personally identifiable information***

Under current law, any requester has a right to inspect or copy any public record unless otherwise provided under statutory or common law or unless, under a "balancing test" derived from common law, the custodian demonstrates that the public interest in withholding access to the record outweighs the strong public interest in providing that access. See s. 19.35 (1), stats., and *State ex rel. Youmans v. Owens*, 28 Wis.2d 672, 682-83 (1965) and *Hathaway v. Green Bay School District*, 116 Wis. 2d 388, 395-96 (1984). If a custodian fails to provide prompt access to a requested record or to make this demonstration, a requester may obtain a court order requiring a custodian to provide access to a record. See s. 19.37 (1), stats.

In *Woznicki v. Erickson*, 202 Wis.2d 178, 192-193 (1996), the Wisconsin supreme court held that a district attorney must notify any individual who is the subject of a record which the district attorney proposes to release to a requester prior

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to release, and that the individual may appeal a decision to release a record to circuit court, which must determine whether permitting access would result in harm to the privacy or reputational interests of the subject individual that outweigh the public interest in allowing access. In *Milwaukee Teachers Education Assn. v. Milwaukee Bd. of School Directors*, 227 Wis. 2d 779, 799 (1999), the supreme court expanded this decision to apply to all public records. There is no statutory basis for these decisions. The decisions also depart from the supreme court's previous decisions, which held that, unless otherwise provided, custodians have no obligation to withhold public records from access and no person may require them to do so. See *Newspapers, Inc. v. Brier*, 89 Wis.2d 417, 431–32 (1979) and *State ex rel. Bilder v. Twp. of Delavan*, 112 Wis.2d 539, 558 (1983).

This bill affirms current statutory law by providing that, unless otherwise specifically provided by statute, no custodian of a public record is required to notify an individual who is the subject of a record prior to providing to a requester access to a record containing information pertaining to that individual and that, unless otherwise provided by statute, no person is entitled to judicial review of the decision of a custodian to provide a requester with access to a public record.

However, the bill also creates a statutory procedure under which, with certain exceptions, individuals who are the subjects of public records relating to certain specific personnel matters may seek a court order to restrain state or local government officers or agencies from providing access to those records to third parties if the subject individuals can demonstrate that the harm to their privacy or reputational interests resulting from disclosure of the information contained in those records outweighs the public interest in providing access to those records. Under the bill, if the officer or agency having custody of a public record receives a request to provide access to a record containing information relating to any of the personnel matters specified in the bill, the officer or agency must, before providing access, provide written notice to each subject individual of the officer's or agency's intent to provide access to the record. If a subject individual notifies the officer or agency, within 5 days, of his or her intent to seek a court order restraining release of the record and files an action seeking such an order within 10 days, the record may not be released unless the court so permits.

***Place of trial in certain criminal cases***

Under current law, a defendant charged with a crime must generally be tried in the county in which the crime is committed. Current law also provides a number of exceptions to this general rule. For example, if a crime entails the commission of two or more acts, the defendant may be tried in any county in which any of the acts occurred.

Under this bill, a defendant charged with any of the following crimes may be tried in the defendant's county of residence, the victim's county of residence, or in any other county where the trial may be held under current law: 1) defamation; 2) giving false information for publication; 3) misappropriation of personal identifying information or personal identification documents; 4) theft of trade secrets; 5) threats to injure or accuse of crime; 6) threats to communicate derogatory information; 7) financial transaction card crimes; 8) computer crimes; 9) tampering with public

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records and notices; 10) unlawful use of telephone; and 11) unlawful use of computerized communication systems.

***Prohibiting social security numbers for certain patient identification***

This bill prohibits a health care provider from assigning to any patient an identification number that is identical to or that incorporates the patient's social security number. However, under the bill, a health care provider is not prohibited from requiring that the patient disclose his or her social security number or from using that number if a federal or state agency requires its use in order for the patient to participate in a particular program.

***Access to public records containing social security numbers of individuals***

Currently, the custodian of the records of any state or local governmental unit must provide access to any public record in his or her custody unless otherwise authorized or required by law or unless the custodian demonstrates that the public interest in withholding access to the record outweighs the strong public interest in providing access to that record. Federal law prohibits state and local governmental units from disclosing social security account numbers under certain conditions.

This bill provides that, if a new record containing the social security account number of an individual, together with information revealing the identity of that individual, is kept by a state or local governmental unit on or after January 1, 2003, or if a record in the custody of a state or local governmental unit is modified to insert the social security account number of an individual on or after January 1, 2003, and the record contains information revealing the identity of that individual, the custodian of the record must delete the social security account number before permitting access to the record, unless the person who requests access to the record is specifically authorized by federal or state law to have access to the social security account number.

The bill, however, permits the requester of a record to have access to the social security account number of an individual if:

1. The record pertains to that individual alone, to the marital or parental rights or responsibilities of that individual and his or her spouse or former spouse, to the property of that individual held jointly or in common with one or more other individuals, or to a civil lawsuit in which the individual is a specifically named party, and the individual provides appropriate identification; or
2. The requester is an authorized representative of an insurer or an organization that performs investigations for insurers and the social security account number is relevant to an investigation of suspected, anticipated, or actual insurance fraud.

The bill also provides that, if any person misrepresents his or her identity for the purpose of obtaining access to the social security account number of another individual, the person is subject to a forfeiture (civil penalty) of not more than \$1,000 for each social security account number obtained by means of misrepresentation. In addition, under the bill, if any insurer or other person obtains a social security account number and uses that number for purposes other than an investigation of suspected, anticipated, or actual insurance fraud, the person is subject to a forfeiture

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of not more than \$1,000 for each social security account number used by the person for unauthorized purposes.

~~Credit card receipts issued at motor fuel pumps~~  
This bill prohibits a person who sells motor fuel from doing so by the use of a pump that allows a purchaser to insert a credit card if the pump issues a receipt that contains more than the last four digits of the credit card number.

**Privacy impact statements**

This bill provides that whenever a bill is introduced in either house of the legislature that would have an impact upon personal privacy, any standing committee to which the bill is referred must not hold a public hearing on the bill or report the bill until a privacy impact statement is prepared and received. The statement is prepared by one or more state agencies or authorities, as determined by the department of administration. The statement describes the impact upon personal privacy that would result from enactment of the bill and analyzes the desirability of that impact from the standpoint of public policy. The bill also permits either house of the legislature, under rules of that house or joint rules, to request the department of administration to order the preparation of a privacy impact statement with respect to any bill before that house, either in its original form or as affected by one or more amendments.

Under the bill, a bill has an impact on personal privacy if the bill would:

1. Provide for the creation of additional personally identifiable information that is not readily available to the public at the time the bill is introduced;
2. Create an activity that would constitute an intrusion upon the privacy of an individual, or alter an activity in such a way as to create such an intrusion;
3. Use the name, picture, or likeness of an individual without the consent of the individual, or the consent of the individual's parent or guardian if the individual is a minor; or
4. Permit or cause publicity to be given to the private life of an individual.

**Telephone solicitations**

The bill prohibits a telephone solicitor or employee or contractor of a telephone solicitor from using a blocking service that defeats caller identification when making a telephone solicitation. ~~The bill also prohibits such a person from using an automatic dialing system in making a telephone solicitation if the system is used in such a way that two or more telephone lines are engaged simultaneously. A person who violates these prohibitions may be subject to a forfeiture of not more than \$500, except that if the violation concerns a telephone solicitation to an elderly or disabled person a supplemental forfeiture of not more than \$10,000 may apply.~~ The department of agriculture, trade and consumer protection (DATCP) has enforcement authority regarding the prohibition.

this prohibition

\$100,000

~~The bill also increases the forfeitures under current law for violating other requirements regarding telephone solicitations. Under current law, a telephone solicitor or employee or contractor of a telephone solicitor who makes a telephone solicitation to a residential customer listed in a nonsolicitation directory maintained by DATCP is subject to a forfeiture of \$100. The same forfeiture applies if a telephone solicitor or employee or contractor of a telephone solicitor makes a telephone~~

As with other telephone solicitation requirements under current law

which is the same forfeiture that applies to violations of other telephone solicitation requirements under current law

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solicitation to a residential customer who has previously notified the telephone solicitor by mail that he or she does not wish to receive telephone solicitations. This bill increases these forfeitures to not more than \$500. Also under current law, a telephone solicitor that requires an employee or contractor to make a telephone solicitation that violates the law is subject to a forfeiture of not more than \$100. The same forfeiture applies if the telephone solicitor has not registered with DATCP. This bill increases these forfeitures to not more than \$10,000. Finally, under the bill, a person who violates any of the foregoing requirements may be subject to a supplemental forfeiture of not more than \$10,000 if the violation involves a telephone solicitation to an elderly or disabled person.

***Privacy and security information officers***

Under current law, the department of electronic government (DEG) has general responsibility, with certain exceptions, for management of the state's information technology and telecommunications systems, applications, infrastructure, and information resources, and human resources devoted to developing and maintaining information technology systems. DEG is headed by the state chief information officer.

This bill directs the chief information officer to appoint employees of DEG to serve as a privacy information officer and a security information officer. The privacy information officer is directed to provide information to employees of DEG and other persons who are or may be the subject of any information maintained or processed by DEG concerning applicable laws, rules, and regulations governing the protection of privacy. The security information officer is directed to ensure the security of information maintained or processed by DEG. Under the bill, the functions of the privacy information officer and security information officer may not be supervised by a division administrator whose position is included in the unclassified service.

***Disclosure of juvenile records***

Under current law, subject to certain exceptions, law enforcement agency records of a juvenile, the records of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court), and the records of a municipal court exercising jurisdiction in a proceeding against a juvenile for a local ordinance violation are confidential and may not be opened to inspection or their contents disclosed except by order of the juvenile court. Currently, those exceptions include an exception that permits the confidential exchange of information between law enforcement agencies; an exception that requires a juvenile court, on the request of a law enforcement agency to review the juvenile court's records for the purpose of investigating alleged criminal gang activity, to open for inspection by the law enforcement agency the records of the juvenile court relating to any juvenile who has committed a felony at the request of or for the benefit of a criminal gang; and an exception that requires a juvenile court, on the request of any other juvenile court, a district attorney, or a corporation counsel to review the juvenile court's records for the purpose of any proceeding in that other juvenile court, to open for inspection by the requester the records of the juvenile court relating to any juvenile who has been the subject of a proceeding under the Children's Code or the Juvenile Justice Code.

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This bill permits a law enforcement agency to disclose information in its records relating to a juvenile as follows:

1. To another law enforcement agency as necessary for the other law enforcement agency to pursue an investigation of any alleged criminal or delinquent activity.

2. To a juvenile court, a municipal court, or a district attorney, corporation counsel, municipal attorney, or other person representing the interests of the public in a proceeding under the Children's Code or the Juvenile Justice Code as necessary for the court to conduct, or for the person representing the interests of the public to prepare for, a proceeding in that court.

3. To a juvenile court intake worker as necessary for the intake worker to provide intake services.

Similarly, the bill requires a juvenile court or a municipal court to disclose its records relating to a juvenile as follows:

1. To a law enforcement agency as necessary for the law enforcement agency to pursue an investigation of any alleged criminal or delinquent activity.

2. To another juvenile court, another municipal court, or a district attorney, corporation counsel, municipal attorney, or other person representing the interests of the public in a proceeding under the Children's Code or the Juvenile Justice Code as necessary for the other court to conduct, or for the person representing the interests of the public to prepare for, a proceeding in that court.

3. To a juvenile court intake worker as necessary for the intake worker to provide intake services.

The bill requires a person who obtains information under the bill to keep the information confidential and permits the person to disclose the information only for the purpose for which the information was obtained or as otherwise permitted under current law, as affected by the bill.

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:*

1           **SECTION 1.** 13.0991 of the statutes is created to read:

2           **13.0991 Privacy impact statements.** (1) In this section:

3           (a) "Authority" means a body created under ch. 231, 232, 233, 234, or 235.

4           (b) "Impact upon personal privacy" means that a bill would do one or more of  
5 the following:



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1           1. Provide for the creation of additional personally identifiable information  
2 that is not readily available to the public at the time the bill is introduced.

3           2. Create an activity that would constitute an intrusion upon the privacy of an  
4 individual, or alter an activity in such a way as to create such an intrusion.

5           3. Use the name, picture, or likeness of an individual without the consent of the  
6 individual, or the consent of the individual's parent or guardian if the individual is  
7 a minor.

8           4. Permit or cause publicity to be given to the private life of an individual.

9           (c) "Personally identifiable information" has the meaning given under s. 19.62  
10 (5).

11           (d) "State agency" means an office, department, independent agency,  
12 institution of higher education, association, society, or other body in state  
13 government created or authorized to be created by the constitution or any law, which  
14 is entitled to expend moneys appropriated by law, including the legislature and the  
15 courts, but not including an authority.

16           (2) (a) Whenever a bill is introduced in either house of the legislature that  
17 would have an impact upon personal privacy, the legislative reference bureau shall  
18 promptly transmit a copy of the bill to the department of administration.

19           (b) Either house of the legislature may, under rules of that house or joint rules  
20 of the legislature, request the department of administration to order the preparation  
21 of a privacy impact statement with respect to any bill before that house, either in its  
22 original form or as affected by one or more amendments. If a house so requests, the  
23 chief clerk of that house shall thereupon transmit a copy of that bill and any affected  
24 amendments to the department of administration.

**BILL****SECTION 1**

1           (3) Upon receipt of a bill under sub. (2), the department of administration shall  
2 direct one or more state agencies or authorities to prepare a privacy impact  
3 statement with respect to that bill. Each privacy impact statement shall describe the  
4 impact upon personal privacy that would result from enactment of the bill and  
5 analyze the desirability of that impact from the standpoint of public policy.

6           (4) Each state agency or authority receiving a bill under sub. (3) shall provide  
7 the statement required under sub. (3) to the department of administration within 15  
8 days after the department's directive.

9           (5) Upon receiving a privacy impact statement under sub. (4), the department  
10 of administration shall provide one copy to the legislative reference bureau, one copy  
11 to the principal author of the bill, and one copy to the chief clerk of the house of the  
12 legislature in which the bill originated. The chief clerk shall thereupon distribute  
13 the statement in the same manner as amendments to the bill are distributed.

14           (6) Whenever a bill requires preparation of a privacy impact statement under  
15 this section, the legislative reference bureau shall include a notation to that effect  
16 on the jacket of the bill when the jacket is prepared. If the preparation of a privacy  
17 impact statement is requested by a house of the legislature, the chief clerk of that  
18 house shall include a notation to that effect on the jacket of the bill.

19           (7) Whenever a privacy impact statement is required or requested for any bill  
20 under this section, a standing committee to which the bill is referred may not hold  
21 a public hearing on the bill or report the bill until the statement is received by the  
22 chief clerk of the house in which the bill originated.

23           **SECTION 2.** 19.32 (1bg), (1dm), (2g) and (4) of the statutes are created to read:

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1           **19.32 (1bg)** “Employee” means an individual who is employed by an authority,  
2 other than an individual holding a local public office or a state public office, or any  
3 individual who is employed by an employer other than an authority.

4           **(1dm)** “Local public office” has the meaning given in s. 19.42 (7w).

5           **(2g)** “Record subject” means an individual about whom personally identifiable  
6 information is contained in a record.

7           **(4)** “State public office” has the meaning given in s. 19.42 (13), but does not  
8 include a position identified in s. 20.923 (6) (em) to (gm).

9           **SECTION 3.** 19.356 of the statutes is created to read:

10           **19.356 Notice to record subject; right of action.** **(1)** Except as authorized  
11 in this section or as otherwise provided by statute, no authority is required to notify  
12 a record subject prior to providing to a requester access to a record containing  
13 information pertaining to that record subject, and no person is entitled to judicial  
14 review of the decision of an authority to provide a requester with access to a record.

15           **(2) (a)** Except as provided in pars. (b) and (c) and except as otherwise required  
16 by law, an authority shall, before permitting access and within 72 hours after making  
17 a decision to permit access to a record, notify any record subject to whom the record  
18 pertains, either by certified mail with return receipt signed by the addressee or by  
19 personally serving the notice on the record subject, if the record contains any of the  
20 following:

21           1. Information concerning the authority’s investigation into a disciplinary  
22 matter relating to an employee or a possible violation by an employee of a policy of  
23 the employee’s employer, or of a statute, rule, regulation, or ordinance or in  
24 connection with the employee’s employment.

**BILL****SECTION 3**

1           2. Information prepared or provided by an employer concerning the home  
2 address or telephone number of an employee of that employer, if the employee has  
3 not consented for the authority to provide access to that information.

4           3. Information relating to one or more employees that is used by the authority  
5 or by the employer of the employees for staff management planning or employee  
6 evaluation, including employee performance evaluations, judgments or  
7 recommendations concerning future salary adjustments or other employee wage  
8 treatments, management employee bonus plans, promotions, job assignments,  
9 letters of reference, or other comments or ratings relating to individual employees.

10          4. Information pertaining to an employee's employment examination, except  
11 an examination score if access to that score is not otherwise prohibited. This  
12 subdivision does not apply to information relating to the hiring or recruitment  
13 process that is exchanged between the department of employment relations and an  
14 authority that is a unit of state government.

15           (b) Paragraph (a) does not apply to an authority who provides access to a record  
16 pertaining to an employee to the employee who is the subject of the record or to his  
17 or her representative to the extent required under s. 103.13 or to a collective  
18 bargaining representative to the extent required to fulfill a duty to bargain or  
19 pursuant to a collective bargaining agreement under ch. 111.

20           (c) Paragraph (a) does not apply to access to a record produced in relation to a  
21 function specified in s. 106.54 or 230.45 or subch. II of ch. 111 if the record is provided  
22 by an authority having responsibility for that function.

23           **(3)** The notice under sub. (2) (a) shall briefly describe the requested record and  
24 include a description of the rights of the record subject under this section.

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1           (4) Within 5 days after receipt of a notice under sub. (2) (a), any record subject  
2 may provide written notification to the authority of his or her intent to seek a court  
3 order restraining the authority from providing access to the requested record.

4           (5) Within 10 days after receipt of a notice under sub. (2) (a), any record subject  
5 may commence an action seeking a court order to restrain the authority from  
6 providing access to the requested record. If a record subject commences such an  
7 action, the record subject shall name the authority as a defendant. The record  
8 subject shall also join the requester as a party to the action under s. 803.03.

9           (6) An authority shall not provide access to a requested record within 12 days  
10 of sending a notice pertaining to that record under sub. (2) (a). In addition, if the  
11 record subject commences an action under sub. (5), the authority shall not provide  
12 access to the requested record during pendency of the action. If the record subject  
13 appeals or petitions for review of a decision of the court or the time for appeal or  
14 petition for review of a decision adverse to the record subject has not expired, the  
15 authority shall not provide access to the requested record until any appeal is decided,  
16 until the period for appealing or petitioning for review expires, until a petition for  
17 review is denied, or until the authority receives written notice from the record subject  
18 that an appeal or petition for review will not be filed, whichever occurs first.

19           (7) If the record subject demonstrates that the harm to his or her privacy or  
20 reputational interests caused by disclosure of the information contained in the  
21 requested record outweighs the public interest in disclosure of that information, the  
22 court shall restrain the authority from providing access to that record under s. 19.35  
23 (1).

24           (8) The court shall not grant any request by a requester to delay the  
25 proceedings. The court shall issue a decision within 10 days after the filing of the

**BILL****SECTION 3**

1 summons and complaint and proof of service of the summons and complaint upon the  
2 defendant and the requester, unless a party demonstrates cause for extension of this  
3 period. In any event, the court shall issue a decision within 30 days after those filings  
4 are complete.

5 (9) If a party appeals a decision of the court under sub. (8), the court of appeals  
6 shall grant precedence to the appeal over all other matters not accorded similar  
7 precedence by law.

8 **SECTION 4.** 19.36 (10) of the statutes is created to read:

9 19.36 (10) SOCIAL SECURITY ACCOUNT NUMBERS. (a) Except as provided in par.  
10 (b), if a new record containing a social security account number of an individual,  
11 together with information revealing the identity of that individual, is kept by an  
12 authority on or after January 1, 2003, or if a record in the custody of an authority is  
13 modified to insert the social security account number of an individual on or after  
14 January 1, 2003, and the record contains information revealing the identity of that  
15 individual, the authority shall delete the social security account number before  
16 permitting access to the record, unless the requester is specifically authorized by  
17 federal or state law to have access to the social security account number.

18 (b) Unless otherwise provided by federal or state law, including common law  
19 principles, a requester may have access to a record containing the social security  
20 account number of an individual if any of the following applies:

21 1. The record pertains to that individual alone, to the marital or parental rights  
22 or responsibilities of that individual and his or her spouse or former spouse, to  
23 property of that individual held jointly or in common tenancy with one or more other  
24 individuals, or to a civil legal action or proceeding in which the individual is a

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1 specifically named party, and the individual provides appropriate identification to  
2 the custodian.

3 2. The requester is an authorized representative of an insurer or an  
4 organization that performs investigations for insurers and the social security  
5 account number is relevant to an investigation of suspected, anticipated, or actual  
6 insurance fraud.

7 **SECTION 5.** 19.37 (2) (c) of the statutes is created to read:

8 19.37 (2) (c) This subsection does not apply to any action filed by a record subject  
9 against an authority under s. 19.356.

10 **SECTION 6.** 19.37 (4) of the statutes is renumbered 19.37 (4) (a).

11 **SECTION 7.** 19.37 (4) (b) and (c) of the statutes are created to read:

12 19.37 (4) (b) If any person misrepresents his or her identity for the purpose of  
13 obtaining access to the social security account number of another individual under  
14 s. 19.36 (10) (a), the person may be required to forfeit not more than \$1,000 for each  
15 social security account number obtained by the person by means of such  
16 misrepresentation.

17 (c) If an insurer or other person obtains a social security account number under  
18 s. 19.36 (10) (b) and uses that number for purposes other than an investigation as  
19 provided in that paragraph, the person may be required to forfeit not more than  
20 \$1,000 for each social security account number used by the person for such  
21 unauthorized purposes.

22 **SECTION 8.** 22.21 of the statutes is created to read:

23 **22.21 Privacy and security information officers.** (1) The chief  
24 information officer shall appoint an employee of the department to serve as a privacy  
25 information officer. The privacy information officer shall provide information to

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1 employees of the department and other persons who are or may be the subject of any  
2 information maintained or processed by the department concerning applicable laws,  
3 rules, and regulations governing the protection of privacy.

4 (2) The chief information officer shall appoint an employee of the department  
5 to serve as a security information officer. The security information officer shall  
6 ensure the security of information maintained or processed by the department.

7 **SECTION 9.** 36.11 (35) (title) of the statutes is renumbered 36.32 (title).

8 **SECTION 10.** 36.11 (35) of the statutes is renumbered 36.32 (2) and amended  
9 to read:

10 36.32 (2) ~~The board~~ An institution of higher education may assign to each  
11 student enrolled in the system institution a unique identification number. ~~The board~~  
12 An institution of higher education shall not assign to any student an identification  
13 number that is identical to or incorporates the student's social security number. This  
14 subsection does not prohibit ~~the board~~ an institution of higher education from  
15 requiring a student to disclose his or her social security number, nor from using a  
16 student's social security number if such use is required by a federal or state agency  
17 or private organization in order for the system or the student to participate in a  
18 particular program.

19 **SECTION 11.** 36.32 (1) of the statutes is created to read:

20 36.32 (1) In this section, "institution of higher education" means an institution  
21 within the system, or a private educational institution located in this state that  
22 awards a bachelor's or higher degree or provides a program that is acceptable toward  
23 such a degree.

24 **SECTION 12.** 40.07 (4) of the statutes is created to read:



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1           40.07 (4) Section 19.356 does not apply to any request for information described  
2           in this section.

3           **SECTION 13.** 40.51 (8) of the statutes is amended to read:

4           40.51 (8) Every health care coverage plan offered by the state under sub. (6)  
5           shall comply with ss. ~~610.65~~, 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746  
6           (1) to (8) and (10), 632.747, 632.748, 632.83, 632.835, ~~632.85~~, 632.853, 632.855,  
7           632.87 (3) to (5), 632.895 (5m) and (8) to (14), and 632.896.

8           **SECTION 14.** 40.51 (8m) of the statutes is amended to read:

9           40.51 (8m) Every health care coverage plan offered by the group insurance  
10          board under sub. (7) shall comply with ss. ~~610.65~~, 631.95, 632.746 (1) to (8) and (10),  
11          632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, and 632.895 (11) to (14).

12          **SECTION 15.** 48.396 (1) of the statutes is amended to read:

13          48.396 (1) Law enforcement officers' records of children shall be kept separate  
14          from records of adults. Law enforcement officers' records of the adult expectant  
15          mothers of unborn children shall be kept separate from records of other adults. Law  
16          enforcement officers' records of children and the adult expectant mothers of unborn  
17          children shall not be open to inspection or their contents disclosed except under sub.  
18          (1b), (1d), (1h), (1j), (1k), or (5) or s. 48.293 or by order of the court. This subsection  
19          does not apply to the representatives of ~~newspapers or other reporters of news~~ the  
20          news media who wish to obtain information for the purpose of reporting news  
21          without revealing the identity of the child or adult expectant mother involved, to the  
22          confidential exchange of information between the police and officials of the school  
23          attended by the child or other law enforcement or social welfare agencies, or to  
24          children 10 years of age or older who are subject to the jurisdiction of the court of  
25          criminal jurisdiction. A public school official who obtains information under this

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1 subsection shall keep the information confidential as required under s. 118.125, and  
2 a private school official who obtains information under this subsection shall keep the  
3 information confidential in the same manner as is required of a public school official  
4 under s. 118.125. A law enforcement agency that obtains information under this  
5 subsection shall keep the information confidential as required under this subsection  
6 and s. 938.396 (1). A social welfare agency that obtains information under this  
7 subsection shall keep the information confidential as required under ss. 48.78 and  
8 938.78.

9 **SECTION 16.** 48.396 (1h) of the statutes is created to read:

10 48.396 (1h) If requested by another law enforcement agency, a law enforcement  
11 agency may, subject to official agency policy, disclose to the other law enforcement  
12 agency any information in its records relating to a child or an adult expectant mother  
13 of an unborn child as necessary for the other law enforcement agency to pursue an  
14 investigation of any alleged criminal or delinquent activity. A law enforcement  
15 agency that obtains information under this subdivision shall keep the information  
16 confidential as required under sub. (1) and s. 938.396 (1) and may disclose the  
17 information only for the purpose of pursuing that investigation or as permitted under  
18 sub. (1) or s. 938.396 (1).

19 **SECTION 17.** 48.396 (1j) of the statutes is created to read:

20 48.396 (1j) If requested by a court assigned to exercise jurisdiction under this  
21 chapter and ch. 938, a court exercising jurisdiction under s. 48.16, a court exercising  
22 jurisdiction under s. 938.17 (2), or a person representing the interests of the public  
23 under s. 48.09 or 938.09, a law enforcement agency may, subject to official agency  
24 policy, disclose to the requester any information in its records relating to a child or  
25 an adult expectant mother of an unborn child as necessary for the court to conduct,

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1 or the person representing the interests of the public to prepare for, any proceedings  
2 in the court. A court that obtains information under this subdivision shall keep the  
3 information confidential as required under sub. (2) (a) and s. 938.396 (2) (a) and may  
4 disclose the information only for the purpose of conducting those proceedings or as  
5 permitted under sub. (2) (a) and s. 938.396 (2) (a). A person representing the  
6 interests of the public who obtains any information under this subdivision shall keep  
7 the information confidential and may disclose the information only as necessary for  
8 the person to perform the person's official duties relating to those proceedings.

9 **SECTION 18.** 48.396 (1k) of the statutes is created to read:

10 48.396 (1k) If requested by any person designated to provide intake services  
11 under s. 48.067 or 938.067, a law enforcement agency may, subject to official agency  
12 policy, disclose to the person any information in its records relating to a child or an  
13 adult expectant mother of an unborn child as necessary for the person to provide  
14 those services. A person designated to provide intake services who obtains any  
15 information under this subdivision shall keep the information confidential and may  
16 disclose the information only as necessary for the person to provide those services.

17 **SECTION 19.** 48.396 (2) (c) of the statutes is created to read:

18 48.396 (2) (c) Upon request of any law enforcement agency to review court  
19 records for the purpose of pursuing an investigation of any alleged delinquent or  
20 criminal activity, the court shall open for inspection by any authorized  
21 representative of the requester the records of the court relating to a child or an adult  
22 expectant mother of an unborn child who has been the subject of a proceeding under  
23 this chapter as necessary for the law enforcement agency to pursue the investigation.  
24 A law enforcement agency that obtains information under this paragraph shall keep  
25 the information confidential as required under sub. (1) and s. 938.396 (1) and may

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1 disclose the information only for the purpose of pursuing that investigation or as  
2 permitted under sub. (1) or s. 938.396 (1).

3 **SECTION 20.** 48.396 (2) (g) of the statutes is renumbered 48.396 (2) (gm) and  
4 amended to read:

5 48.396 (2) (gm) Upon request of any other court assigned to exercise  
6 jurisdiction under this chapter and ch. 938, ~~a district attorney or corporation counsel~~  
7 any court exercising jurisdiction under s. 48.16, any court exercising jurisdiction  
8 under s. 938.17 (2), or any person representing the interests of the public under s.  
9 48.09 or 938.09 to review court records for the purpose of conducting or preparing for  
10 any proceeding in that other court, the court shall open for inspection by any  
11 authorized representative of the requester the records of the court relating to any  
12 child who has been the subject of a proceeding under this chapter. A court that  
13 obtains information under this paragraph shall keep the information confidential as  
14 required under par. (a) and s. 938.396 (2) (a) and may disclose the information only  
15 for the purpose of conducting those proceedings or as permitted under par. (a) and  
16 s. 938.396 (2) (a). A person representing the interests of the public who obtains any  
17 information under this paragraph shall keep the information confidential and may  
18 disclose the information only as necessary for the person to perform the person's  
19 official duties relating to that proceeding.

20 **SECTION 21.** 48.396 (2) (gr) of the statutes is created to read:

21 48.396 (2) (gr) Upon request of any person designated to provide intake  
22 services under s. 48.067 or 938.067 to review court records for the purpose of  
23 performing those services, the court shall open for inspection by the person the  
24 records of the court relating to a child or an adult expectant mother of an unborn child  
25 who has been the subject of a proceeding under this chapter. A person designated

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1 to provide intake services who obtains any information under this paragraph shall  
2 keep the information confidential and may disclose the information only as  
3 necessary for the person to provide those services.

4 **SECTION 22.** 48.396 (5) (a) (intro.) of the statutes is amended to read:

5 48.396 (5) (a) (intro.) Any person who is denied access to a record under sub.  
6 (1), (1b) ~~or~~, (1d), (1h), (1j), or (1k) may petition the court to order the disclosure of the  
7 ~~records governed by the applicable subsection~~ record. The petition shall be in writing  
8 and shall describe as specifically as possible all of the following:

9 **SECTION 23.** 59.20 (3) (d) of the statutes is amended to read:

10 59.20 (3) (d) Any register of deeds who in good faith makes an erroneous  
11 determination as to the accessibility of a portion of a record, to members of the public  
12 under s. 19.36 (6), is not subject to any penalty for denial of access to the record under  
13 s. 19.37 (4) (a).

14 **SECTION 24.** 66.0137 (4) of the statutes is amended to read:

15 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or  
16 a village provides health care benefits under its home rule power, or if a town  
17 provides health care benefits, to its officers and employees on a self-insured basis,  
18 the self-insured plan shall comply with ss. 49.493 (3) (d), 610.65, 631.89, 631.90,  
19 631.93 (2), ~~632.746 (10) (a) 2. and (b) 2.,~~ 632.747 (3), 632.85, 632.853, 632.855, 632.87  
20 (4) and (5), 632.895 (9) to (14), 632.896, and 767.25 (4m) (d).

21 **SECTION 25.** 100.264 (2) (intro.) of the statutes is amended to read:

22 100.264 (2) SUPPLEMENTAL FORFEITURE. (intro.) If a fine or a forfeiture is  
23 imposed on a person for a violation under s. 100.16, 100.17, 100.18, 100.182, 100.183,  
24 100.20, 100.205, 100.207, 100.21, 100.30 (3), 100.35, ~~100.44 or~~, 100.46, or 100.52 or  
25 a rule promulgated under one of those sections, the person shall be subject to a

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1 supplemental forfeiture not to exceed \$10,000 for that violation if the conduct by the  
 2 defendant, for which the violation was imposed, was perpetrated against an elderly  
 3 person or disabled person and if the court finds that any of the following factors is  
 4 present:

5 **SECTION 26.** 100.52 (1) (am) of the statutes is created to read:

6 100.52 (1) (am) "Automatic telephone dialing system" means equipment that  
 7 has the capacity to store or produce telephone numbers that are called using a  
 8 random or sequential number generator and to call such telephone numbers.

9 **SECTION 27.** 100.52 (1) (bg) and (br) of the statutes are created to read:

10 100.52 (1) (bg) "Blocking service" means a service that allows a person who  
 11 makes a telephone call to withhold his or her telephone number or name from a  
 12 person who receives the telephone call and who uses a caller identification service.

13 (br) "Caller identification service" means a service that allows a person who  
 14 receives a telephone call to identify the telephone number or name of the person  
 15 making the telephone call.

16 **SECTION 28.** 100.52 (4) (a) 4. of the statutes is created to read:

17 100.52 (4) (a) 4. Use a blocking service when making a telephone solicitation.

18 **SECTION 29.** 100.52 (4) (a) 5. of the statutes is created to read:

19 100.52 (4) (a) 5. In making a telephone solicitation, use an automatic telephone  
 20 dialing system in such a way that 2 or more telephone lines are engaged  
 21 simultaneously.

22 **SECTION 30.** 100.52 (10) of the statutes, as created by 2001 Wisconsin Act 16,  
 23 is amended to read:

24 100.52 (10) PENALTIES. (a) Except as provided in par. (b), a person who violates  
 25 this section may be required to forfeit \$100 not more than \$500 for each violation.

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1 (b) A telephone solicitor that violates sub. (4) may be required to forfeit not  
2 more than \$100 \$10,000 for each violation.

3 **SECTION 31.** 111.91 (2) (kc) of the statutes is amended to read:  
4 111.91 (2) (kc) Compliance with the insurance requirements under s. ss. 610.65  
5 and 631.95.

6 **SECTION 32.** 120.13 (2) (g) of the statutes is amended to read:  
7 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.  
8 49.493 (3) (d), 610.65, 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747  
9 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to (14), 632.896, and  
10 767.25 (4m) (d).

11 **SECTION 33.** 134.92 of the statutes is created to read:  
12 **134.92 Motor fuel purchases with the use of a credit card.** No person may  
13 sell motor fuel dispensed at a pump at which the purchaser may make payment for  
14 the motor fuel by the insertion of a credit card unless no more than the last 4 digits  
15 of the credit card number are displayed on any receipt issued automatically from the  
16 pump.

17 **SECTION 34.** 146.81 (1) (fm) of the statutes is amended to read:

18 146.81 (1) (fm) A pharmacist or pharmacy licensed under ch. 450.

19 **SECTION 35.** 146.81 (4) of the statutes is amended to read:

20 146.81 (4) "Patient health care records" means all records related to the health  
21 of a patient prepared by or under the supervision of or owned by a health care  
22 provider, including the records required under s. 146.82 (2) (d) and (3) (c), but not  
23 those records subject to s. 51.30, reports collected under s. 69.186, records of tests  
24 administered under s. 252.15 (2) (a) 7., 343.305, 938.296 (4) or (5) or 968.38 (4) or  
25 (5), fetal monitor tracings, as defined under s. 146.817 (1), or a pupil's physical health

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1 records maintained by a school under s. 118.125. "Patient health care records" also  
2 includes health summary forms prepared under s. 302.388 (2).

3 **SECTION 36.** 146.82 (2) (a) 20. of the statutes is amended to read:

4 146.82 (2) (a) 20. If the patient health care records do not contain information  
5 and the circumstances of the release do not provide information that would permit  
6 the identification of the patient and, in the instance of a patient health care record  
7 prepared by or under the supervision of a pharmacist or owned by a pharmacy,  
8 identification of the patient's health care provider.

9 **SECTION 37.** 146.833 of the statutes is created to read:

10 **146.833 Use of social security numbers prohibited.** A health care  
11 provider may not assign to any patient an identification number that is identical to  
12 or incorporates the patient's social security number. This section does not prohibit  
13 the health care provider from requiring a patient to disclose his or her social security  
14 number, or from using a patient's social security number if that use is required by  
15 a federal or state agency in order for the patient to participate in a particular  
16 program.

17 **SECTION 38.** 146.84 (1) (d) of the statutes is created to read:

18 146.84 (1) (d) Any person who obtains a patient health care record from a  
19 pharmacy or pharmacist under circumstances that constitute a violation of s. 146.82  
20 or 146.83 in a manner that is knowing and willful shall be liable to any person injured  
21 as a result of the violation for actual damages to that person, exemplary damages of  
22 not more than \$25,000, costs, and reasonable actual attorney fees.

23 **SECTION 39.** 185.981 (4t) of the statutes is amended to read:

24 **185.981 (4t)** A sickness care plan operated by a cooperative association is  
25 subject to ss. 252.14, ~~610.65~~, 631.17, 631.89, 631.95, 632.72 (2), ~~632.745~~ to 632.749,



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1 632.85, 632.853, 632.855, 632.87 (2m), (3), (4), and (5), 632.895 (10) to (14), and  
2 632.897 (10) and chs. 149 and 155.

3 **SECTION 40.** 185.983 (1) (intro.) of the statutes is amended to read:

4 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be  
5 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,  
6 601.42, 601.43, 601.44, 601.45, 610.65, 611.67, 619.04, 628.34 (10), 631.17, 631.89,  
7 631.93, 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85,  
8 632.853, 632.855, 632.87 (2m), (3), (4), and (5), 632.895 (5) and (9) to (14), 632.896,  
9 and 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association  
10 shall:

11 **SECTION 41.** 230.08 (4) (b) 5. of the statutes is created to read:

12 230.08 (4) (b) 5. Functions performed by the privacy information officer under  
13 s. 22.21 (1) and functions performed by the security information officer under s. 22.21  
14 (2).

15 **SECTION 42.** 301.029 (2) (a) of the statutes is amended to read:

16 301.029 (2) (a) The department may not enter into any contract or other  
17 agreement if, in the performance of the contract or agreement, a prisoner would  
18 perform data entry or telemarketing services and have access to an individual's  
19 financial transaction card numbers, checking or savings account numbers, date of  
20 birth, or social security number.

21 **SECTION 43.** 609.837 of the statutes is created to read:

22 **609.837 Prohibiting social security numbers on identification cards.**  
23 Defined network plans, preferred provider plans, and limited service health  
24 organizations are subject to s. 610.65.

25 **SECTION 44.** 610.65 of the statutes is created to read:

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**1 610.65 Prohibiting social security numbers on identification cards. (1)**

2 In this section, “insurer” means an insurer, as defined in s. 600.03 (27); the state or  
3 a city, village, town, or school district with respect to any self-insured plan; the  
4 health insurance risk-sharing plan under ch. 149; the private employer health care  
5 coverage program under subch. X of ch. 40; or a risk-sharing plan created under ch.  
6 619.

7 (2) An identification card, or other similar identification device, that is issued  
8 to an insured or enrollee by an insurer may not show the insured’s or enrollee’s social  
9 security number as an identification number, as part of an identification number, or  
10 in any other manner.

11 (3) The prohibition under this section applies to identification cards, or other  
12 similar identification devices, that are in use on or after the first day of the 13th  
13 month beginning after the effective date of this subsection .... [revisor inserts date].

14 **SECTION 45.** 938.396 (1) of the statutes is amended to read:

15 938.396 (1) Law enforcement officers’ records of juveniles shall be kept  
16 separate from records of adults. Law enforcement officers’ records of juveniles shall  
17 not be open to inspection or their contents disclosed except under sub. (1b), (1d), (1g),  
18 (1h), (1j), (1k), (1m), (1r), (1t), (1x) or (5) or s. 938.293 or by order of the court. This  
19 subsection does not apply to representatives of the news media who wish to obtain  
20 information for the purpose of reporting news without revealing the identity of the  
21 juvenile involved, to the confidential exchange of information between the police and  
22 officials of the school attended by the juvenile or other law enforcement or social  
23 welfare agencies, or to juveniles 10 years of age or older who are subject to the  
24 jurisdiction of the court of criminal jurisdiction. A public school official who obtains  
25 information under this subsection shall keep the information confidential as

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1 required under s. 118.125, and a private school official who obtains information  
2 under this subsection shall keep the information confidential in the same manner as  
3 is required of a public school official under s. 118.125. A law enforcement agency that  
4 obtains information under this subsection shall keep the information confidential as  
5 required under this subsection and s. 48.396 (1). A social welfare agency that obtains  
6 information under this subsection shall keep the information confidential as  
7 required under ss. 48.78 and 938.78.

8 **SECTION 46.** 938.396 (1h) of the statutes is created to read:

9 938.396 (1h) If requested by another law enforcement agency, a law  
10 enforcement agency may, subject to official agency policy, disclose to the other law  
11 enforcement agency any information in its records relating to a juvenile as necessary  
12 for the other law enforcement agency to pursue an investigation of any alleged  
13 criminal or delinquent activity. A law enforcement agency that obtains information  
14 under this subdivision shall keep the information confidential as required under sub.  
15 (1) and s. 48.396 (1) and may disclose the information only for the purpose of  
16 pursuing that investigation or as permitted under sub. (1) or s. 48.396 (1).

17 **SECTION 47.** 938.396 (1j) of the statutes is created to read:

18 938.396 (1j) If requested by a court assigned to exercise jurisdiction under this  
19 chapter and ch. 48, a court exercising jurisdiction under s. 48.16, a court exercising  
20 jurisdiction under s. 938.17 (2), or a person representing the interests of the public  
21 under s. 48.09 or 938.09, a law enforcement agency may, subject to official agency  
22 policy, disclose to the requester any information in its records relating to a juvenile  
23 as necessary for the court to conduct, or for the person representing the interests of  
24 the public to prepare for, any proceedings in the court. A court that obtains  
25 information under this subdivision shall keep the information confidential as

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1 required under sub. (2) (a) and s. 48.396 (2) (a) and may disclose the information only  
2 for the purpose of conducting those proceedings or as permitted under sub. (2) (a) or  
3 s. 48.396 (2) (a). A person representing the interests of the public who obtains any  
4 information under this subdivision shall keep the information confidential and may  
5 disclose the information only as necessary for the person to perform the person's  
6 official duties relating to those proceedings.

7 **SECTION 48.** 938.396 (1k) of the statutes is created to read:

8 938.396 (1k) If requested by any person designated to provide intake services  
9 under s. 48.067 or 938.067, a law enforcement agency may, subject to official agency  
10 policy, disclose to the person any information in its records relating to a juvenile as  
11 necessary for the person to provide those services. A person designated to provide  
12 intake services who obtains any information under this subdivision shall keep the  
13 information confidential and may disclose the information only as necessary for the  
14 person to provide those services.

15 **SECTION 49.** 938.396 (2) (c) of the statutes is amended to read:

16 938.396 (2) (c) Upon request of a law enforcement agency to review court  
17 records for the purpose of ~~investigating a crime that might constitute criminal gang~~  
18 ~~activity, as defined in s. 941.38 (1) (b) pursuing an investigation of any alleged~~  
19 ~~delinquent or criminal activity,~~ the court shall open for inspection by authorized  
20 representatives of the law enforcement agency the records of the court relating to any  
21 juvenile who has been found to have committed a delinquent act at the request of or  
22 for the benefit of a criminal gang, as defined in s. 939.22 (9), that would have been  
23 a felony under chs. 939 to 948 or 961 if committed by an adult the subject of a  
24 proceeding under this chapter as necessary for the law enforcement agency to pursue  
25 the investigation. A law enforcement agency that obtains information under this

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1 paragraph shall keep the information confidential as required under sub. (1) and s.  
2 48.396 (1) and may disclose the information only for the purpose of pursuing that  
3 investigation or as permitted under sub. (1) or s. 48.396 (1).

4 **SECTION 50.** 938.396 (2) (gm) of the statutes is amended to read:

5 938.396 (2) (gm) Upon request of any other court assigned to exercise  
6 jurisdiction under this chapter and ch. 48, ~~a district attorney or corporation counsel~~  
7 any court exercising jurisdiction under s. 48.16, any court exercising jurisdiction  
8 under s. 938.17 (2), or any person representing the interests of the public under s.  
9 48.09 or 938.09 to review court records for the purpose of conducting or preparing for  
10 any proceeding in that other court, the court shall open for inspection by any  
11 authorized representative of the requester the records of the court relating to any  
12 juvenile who has been the subject of a proceeding under this chapter. A court that  
13 obtains information under this paragraph shall keep the information confidential as  
14 required under par. (a) and s. 48.396 (2) (a) and may disclose the information only  
15 for the purpose of conducting those proceedings or as permitted under par. (a) or s.  
16 48.396 (2) (a). A person representing the interests of the public who obtains any  
17 information under this paragraph shall keep the information confidential and may  
18 disclose the information only as necessary for the person to perform the person's  
19 official duties relating to that proceeding.

20 **SECTION 51.** 938.396 (2) (gr) of the statutes is created to read:

21 938.396 (2) (gr) Upon request of any person designated to provide intake  
22 services under s. 48.067 or 938.067 to review court records for the purpose of  
23 performing those services, the court shall open for inspection by the person the  
24 records of the court relating to a juvenile who has been the subject of a proceeding  
25 under this chapter. A person designated to provide intake services who obtains any

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1 information under this paragraph shall keep the information confidential and may  
2 disclose the information only as necessary for the person to provide those services.

3 **SECTION 52.** 938.396 (5) (a) (intro.) of the statutes is amended to read:

4 938.396 (5) (a) (intro.) Any person who is denied access to a record under sub.  
5 (1), (1b), (1d), (1g), (1h), (1j), (1k), (1m), (1r), or (1t) may petition the court to order  
6 the disclosure of the records ~~governed by the applicable subsection~~ record. The  
7 petition shall be in writing and shall describe as specifically as possible all of the  
8 following:

9 **SECTION 53.** 971.19 (11) of the statutes is created to read:

10 971.19 (11) In an action under s. 942.01, 942.03, 943.201, 943.205, 943.30,  
11 943.31, 943.41, 943.70, 946.72, 947.012, or 947.0125, the defendant may be tried in  
12 the defendant's county of residence, in the victim's county of residence, or in any  
13 other county in which the trial may be conducted under this section.

14 **SECTION 54. Initial applicability.**

15 (1) VENUE OF CRIMINAL TRIAL. The treatment of section 971.19 (11) of the statutes  
16 first applies to criminal actions commenced on the effective date of this subsection.

17 (2) PRIVACY IMPACT STATEMENTS. The creation of section 13.0991 of the statutes  
18 by this act first applies with respect to bills introduced in the 2001–03 legislative  
19 session and jacketed by the legislative reference bureau after the effective date of  
20 this subsection.

21 **SECTION 55. Effective dates.** This act takes effect on the day after publication,  
22 except as follows:

23 (1) The treatment of sections 36.11 (35) and 36.32 (1) of the statutes takes effect  
24 on January 1, 2007.

25

(END)

# Memo

**To:** RLR and RPN

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**From:** JTK

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**Subject:** LRB-3774/3

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**Date:** 10/15/01

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Robin: Please insert LRB-3686/1 and add your initials. *done*  
Bob: Please delete LRB-1473/P1 and delete your initials. *RPN ✓*  
Last person: Please run the redraft maker and forward to editing.  
Wanted today (Mon/10/15). Thanks.