

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: 06/15/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Courts - miscellaneous

Extra Copies:

Submit via email: NO

Requester's email:

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**Prc Topic:**

SDC:.....Keckhaver - CN1533,

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**Topic:**

Hearsay exception for medical records

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**Instructions:**

See Attached

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**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>
/?	nelsorp1 06/15/2001 rryan 06/17/2001	wjackson 06/17/2001		_____			
/1			kfollet 06/17/2001	_____	lrh_docadmin 06/17/2001		

FE Sent For:

<END>

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1/1	nelsorp1	1/1 WLJ 6/17	1/1 CMA 4/17	_____	_____		

FE Sent For:

<END>

Date: June 8, 2001

Re: Caucus Budget Request

In hearsay statutes, provide exception for medical records.

CN1533

DAK

patient health care records, as defined  
in s. 146.81(4)

**Nelson, Robert P.**

---

**From:** Keckhaver, John  
**Sent:** Friday, June 15, 2001 5:48 PM  
**To:** Nelson, Robert P.  
**Subject:** RE:

Yes, that looks good to me. Thanks.

-----Original Message-----

**From:** Nelson, Robert P.  
**Sent:** Friday, June 15, 2001 5:47 PM  
**To:** Keckhaver, John  
**Subject:**

<< File: 01-1400/1 >>

This draft looks like the draft needed to complete the caucus request #1533, regarding hearsay exception for medical records. Let me know if that draft is what is wanted.

Robert Nelson, Senior Legislative Attorney  
Legislative Reference Bureau  
608-267-7511  
robert.nelson@legis.state.wi.us  
FAX 608-266-5648

2001

Date (time) needed \_\_\_\_\_

LRB b 0974/1/1

AMDT TO BUDGET SUB AMDT


PLR: Wlj \_\_\_\_\_

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT  
~~TO SENATE AMENDMENT~~  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 55

At the locations indicated, amend the substitute amendment [amendment] as follows:

↓ #. Page 1219, line 15: after that line insert   
(insert 1219-15)

↓ #. Page 1396, line 6: after that line insert   
(insert 1396-6)

#. Page . . . , line . . . :  
- ENA -

#. Page . . . , line . . . :

#. Page . . . , line . . . :

#. Page . . . , line . . . :

## 2001 SENATE BILL 186

May 23, 2001 - Introduced by Senators BURKE, DARLING and ROSENZWEIG, cosponsored by Representatives BERCEAU, LIPPERT, MUSSER, TURNER and SYKORA. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

- 1 **AN ACT to amend 908.03 (6m) (b) (intro.) of the statutes; relating to:** admitting  
2 health care records into evidence in a trial or hearing.

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### *Analysis by the Legislative Reference Bureau*

Under current law, hearsay generally may not be admitted into evidence in a trial or a hearing. "Hearsay" is a statement, including a written record, that is made other than while a person is testifying at a trial or hearing, and that is offered at a trial or hearing for the purpose of proving the truth of the matter asserted. An exception to the hearsay prohibition permits a party to introduce records of regularly conducted activities into evidence, if the custodian of the records testifies as to the authenticity of the records. However, health care provider records may be admitted into evidence in a trial or hearing without authentication testimony, if the party who intends to introduce the health care records either serves a copy of the records on all other parties, or notifies the other parties that a copy of the records is available for inspection and photocopying at a specified location, at least 40 days before the trial or hearing.

This bill reduces, from 40 to 20, the number of days before a trial or hearing by which time a party must either serve health care records on the other parties or notify the other parties of the location where the health care records may be inspected or photocopied, in order for the health care records to be admissible into evidence at the trial or hearing without authentication testimony for the custodian of the records.

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

SENATE BILL 186

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:

3872 v.

1 SECTION 908.03 (6m) (b) (intro.) of the statutes is amended to read:

2 908.03 (6m) (b) Authentication witness unnecessary. (intro.) ~~A~~ The testimony  
3 of a custodian or other qualified witness required by sub. (6) is unnecessary if the  
4 party who intends to offer health care provider records into evidence at a trial or  
5 hearing does one of the following at least 40 20 days before the trial or hearing: ✓

6 ~~Section 2. Initial applicability~~

(7p) AUTHENTICATION OF HEALTH CARE RECORDS

(a) This act first applies to actions commenced on the effective date of this

subsection.

(END)

The treatment of section 908.03 (6m)(b)(intro.) of the statutes

Insert 1219-15

Insert 1396-6

9 NonSTATS

SDC:.....Keckhaver – CN1533, Hearsay exception for medical records

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS SENATE AMENDMENT**

**TO SENATE SUBSTITUTE AMENDMENT 1,**

**TO 2001 SENATE BILL 55**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1219, line 15: after that line insert:

3 “SECTION 3872v. 908.03 (6m) (b) (intro.) of the statutes is amended to read:

4 908.03 (6m) (b) *Authentication witness unnecessary.* (intro.) ~~A- The testimony~~  
5 of a custodian or other qualified witness required by sub. (6) is unnecessary if the  
6 party who intends to offer health care provider records into evidence at a trial or  
7 hearing does one of the following at least 40 20 days before the trial or hearing:”.

8 **2.** Page 1396, line 6: after that line insert:



