

Paper Ballot**Senate Committee on Insurance, Tourism and Transportation****Assembly Bill 110**

Relating to: access by law enforcement agencies to photographs taken for drivers' licenses and identification cards.

By Representatives La Fave, Wieckert, Musser, Bies, Owens, Ainsworth, Huber, Ladwig, J. Lehman, Duff, Lassa, M. Lehman, Jeskewitz, Townsend, Kreuser, Vrakas, Kedzie, Ott and Hundertmark; cosponsored by Senators Burke, Roessler and Huelsman.

March 13, 2001 Referred to Committee on Insurance, Tourism, and Transportation.

April 25, 2001 **PUBLIC HEARING HELD**

Present: (2) Senators Breske and Grobschmidt.  
Absent: (3) Senators Baumgart, A. Lasee and Farrow.

Appearances for

- Judy Kelly, Representative John La Fave, Author
- John Alley, WisDOT
- Michael Moschkau, Wisconsin DOJ
- Chief Doug Pettit, WI Chiefs of Police Assoc
- Chief Doug Pettit, WI Law Enforcement Coalition

Appearances against

- None.

Appearances for Information Only

- None.

Registrations for

- None.

Registrations against

- None.

**MOTION:** *By Senator Breske to recommend passage.*

- Aye  
 No

*Margaret A. Farrow*

Signature

*4-25-01*

Date

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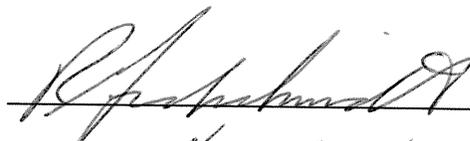
- None.

#### Registrations against

- None.

**MOTION:** *By Senator Breske to recommend passage.*

Aye  
 No

  
\_\_\_\_\_  
4-25-01  
\_\_\_\_\_  
Signature  
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#### Appearances against

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**MOTION:** *By Senator Breske to recommend passage.*

Aye  
 No

\_\_\_\_\_  
*Jim Baumgart*  
Signature  
\_\_\_\_\_  
4/25/01  
Date

**State Representative  
John La Fave**

April 25, 2001

To: Senate Committee on Insurance, Tourism and  
Transportation Members Public Hearing

**Re: AB-110 - Removal of 'sunset' date for law  
enforcement access to drivers' license photographs**

1997 Wisconsin Act 119 (La Fave/Schneider) allows law enforcement to receive copies of specific drivers' license photos. The law defines the procedures law enforcement agencies must follow to gain access to **digitized** photos from the DOT and for what purposes they can be used.

Wis. Act 119 included a 'sunset' date of December 31, 2002.

The law has been very successful in assisting law enforcement with various investigations. In 1999, there were 772 requests by law enforcement agencies for license photos followed by 1290 in 2000. The vast majority of the requests were granted while 316 requests could not be granted because the 'photo was not on file'. It will take several more years for all drivers to have their photo taken in the new **digitized** format. Other requests were denied because they were incomplete or ineligible.

This bill removes the sunset date so that law enforcement will continue to have access to drivers' license photos.

I appreciate your consideration for passage of Assembly Bill 110.



## Wisconsin Department of Transportation



TO: Wisconsin Law Enforcement Agencies

FROM: Records & Licensing Information Section  
Bureau of Driver Services

SUBJECT: Retrieval of Digitized Photo from Driver File  
Wisconsin ACT 119

Division of Motor Vehicles  
Records & Licensing Information Section  
P O Box 7995  
Madison, WI 53707-7995

Telephone: (608) 266-2353  
Facsimile (FAX): (608) 267-3636  
E-mail dotrlisd@mail.state.wi.us

Requests for digitized photo's taken after September 1, 1997 by the Wisconsin Department of Transportation should be directed to:

Wisconsin Department of Transportation  
Records & Licensing Information Section  
P.O. Box 7995  
Madison, WI 53707-7995  
or  
faxed to (608) 267-3636

Law Enforcement must provide a request in writing to obtain the photo. The request must be on the law enforcement agency letterhead, and must contain the following:

1. the name of the person whose photo is being requested
2. the name of the person making the request
3. the name of the law enforcement agency that employees the requester
4. a statement signed by the Division Commander giving reason for photo request
5. a statement that the photo is NOT solely for a photo lineup or photo array.

Your agency may obtain a copy of the digitized photo for one of the following reasons:

1. An investigation of unlawful activity
2. A missing person investigation
3. The identification of an accident victim
4. The identification of a deceased person

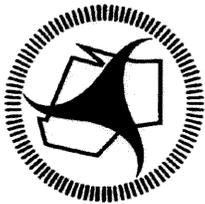
Law enforcement must:

1. Destroy the photo when it is no longer necessary for investigatory proof
2. Destroy when identification purpose specified in original request is resolved
3. Keep the photo confidential
  - only disclose the photo if necessary to perform a law enforcement function
  - attach the following statement to the photo  
"This photograph is subject to the requirements and restrictions of section 343.237 of the Wisconsin Statutes"
  - If the photo is released the receiving person must comply with #1 and #2.

Penalty:

Any person that willfully discloses a copy of a photo in violation of 343.237 may be required to forfeit not more than \$500 for each violation. Each copy disclosed constitutes a separate offense.

Law sunsets on 12/31/02



## Wisconsin Department of Transportation

**Division of Motor Vehicles**  
Records & Licensing Information Section  
P O Box 7995  
Madison, WI 53707-7995  
Telephone: (608) 266-2353  
Facsimile (FAX): (608) 267-3636  
E-Mail [dovrlis@mail.state.wi.us](mailto:dovrlis@mail.state.wi.us)

April 23, 2001

This photograph is subject to the requirements and restrictions of section 343.237 of the Wisconsin Statutes. It is the last known photo on file for this license. This photo and all copies must be destroyed when the photograph is no longer necessary for the investigatory or identification purpose specified in your request .

### Image Information

License: A4004766634204  
Social Security:  
Name: JOHN R ALLEY  
Captured: 1997/09/12 08:21:33:670

