

ASSEMBLY BILL 652 (LRB -3353)

An Act to create 968.265 of the statutes; relating to: lie detector tests of sexual assault victims. (FE)

2003

- 02-25. A. Introduced by Representatives **Suder, McCormick, Sinicki, Musser, Nischke, Kreibich, Owens, Van Roy, Miller and LeMahieu**; cosponsored by Senators **Lassa, Brown, Roessler and Kedzie**.
 11-10. A. Read first time and referred to committee on Criminal Justice 518
 11-18. A. Fiscal estimate received.
 11-26. A. Fiscal estimate received.

2004

- 01-14. A. Public hearing held.
 02-10. A. Assembly amendment 1 offered by Representative Suder (**LRB a2149**) 698
 02-11. A. Executive action taken.
 02-19. A. Report Assembly Amendment 1 adoption recommended by committee on Criminal Justice, Ayes 14, Noes 0 707
 02-19. A. Report passage as amended recommended by committee on Criminal Justice, Ayes 14, Noes 0 707
 02-19. A. Referred to committee on Rules 707
 02-25. A. Placed on calendar 3-2-2004 by committee on Rules.
 03-02. A. Read a second time 767
 03-02. A. Assembly amendment 1 **adopted** 767
 03-02. A. Ordered to a third reading 767
 03-02. A. Rules suspended 767
 03-02. A. Read a third time and **passed**, Ayes 96, Noes 0 767
 03-02. A. Ordered immediately messaged 768
 03-03. S. Received from Assembly 660
 03-03. S. Read first time and referred to committee on Judiciary, Corrections and Privacy 661
 03-04. S. Withdrawn from committee on Judiciary, Corrections and Privacy and referred to committee on Senate Organization pursuant to Senate Rule 42 (2)(c) 675
 03-04. S. Placed on calendar 3-9-2004 by committee on Senate Organization.
 03-09. S. Read a second time.
 03-09. S. Ordered to a third reading.
 03-09. S. Rules suspended.
 03-09. S. Read a third time and **concurred in**.
 03-09. S. Ordered immediately messaged.
 03-10. A. Received from Senate concurred in.

**2003
ENROLLED BILL**

03en AB-652

ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

03-33531

Amendments to above (if none, write "NONE"): AA/

Corrections - show date (if none, write "NONE"): None

Topic Relay

3/10/04

Date

[Signature]

Enrolling Drafter

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2003 ASSEMBLY BILL 652

November 10, 2003 – Introduced by Representatives SUDER, McCORMICK, SINICKI, MUSSER, NISCHKE, KREIBICH, OWENS, VAN ROY, MILLER and LEMAHIEU, cosponsored by Senators LASSA, BROWN, ROESSLER and KEDZIE. Referred to Committee on Criminal Justice.

1 **AN ACT to create** 968.265 of the statutes; **relating to:** lie detector tests of sexual
2 assault victims.

Analysis by the Legislative Reference Bureau

Current law imposes several limitations on the use of lie detector tests, including polygraph tests and other types of honesty tests. It is a crime to require a person to submit to a lie detector test or to administer a lie detector test to a person, without obtaining the person's prior written and informed consent to the test, except that the Department of Corrections and the Department of Health and Family Services may require sex offenders to submit to lie detector tests absent consent. In general, an employer may not require or suggest that an employee or prospective employee submit to a lie detector test, nor use any test results as grounds for negative action against an employee. Current law, however, provides exceptions to the general rule for certain investigations of business theft and for certain businesses related to security or controlled substances.

This bill prohibits law enforcement officers and district attorneys from requiring, requesting, or suggesting that a person who alleges that he or she is the victim of a sexual assault submit to a lie detector test, regardless of whether the victim gives prior written and informed consent to the test. The bill also prohibits law enforcement officers and district attorneys from providing the victim information regarding lie detector tests unless the victim requests such information.

ASSEMBLY BILL 652

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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:

(B) / r

1 SECTION ~~K~~ 968.265 of the statutes is created to read:

2 **968.265 Lie detector tests; sexual assault victims.** (1) In this section, "lie
3 detector" has the meaning given in s. 111.37 (1) (b).

4 (2) If a person reports to a law enforcement officer ~~or a district attorney~~ that
5 he or she was the victim of an offense under s. 940.22 (2), 940.225, or 948.02 (1) or
6 (2), no law enforcement officer ~~or district attorney~~ may in connection with the report
7 order, request, or suggest that the person submit to a test using a lie detector, or
8 provide the person information regarding tests using lie detectors unless the person
9 requests information regarding tests using lie detectors.

10

(END)

2-9

**ASSEMBLY AMENDMENT 1,
TO 2003 ASSEMBLY BILL 652**

February 10, 2004 – Offered by Representative SUDER.

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

2 **1.** Page 2, line 1: before that line insert:

3 **SECTION 1g.** 950.04 (1v) (dL) of the statutes is created to read:

4 950.04 (1v) (dL) To not be the subject of a law enforcement officer's or district
5 attorney's order, request, or suggestion that he or she submit to a test using a lie
6 detector, as defined in s. 111.37 (1) (b), if he or she claims to have been the victim of
7 a sexual assault under s. 940.22 (2), 940.225, or 948.02 (1) or (2), except as permitted
8 under s. 968.265".

9 **2.** Page 2, line 1: delete "1" and substitute "1r".

10 **3.** Page 2, line 4: delete "or a district attorney".

11 **4.** Page 2, line 6: delete "or district attorney".

12 **5.** Page 2, line 9: after that line insert:

1 (3) If a person reports to a district attorney that he or she was the victim of
2 an offense under s. 940.22 (2), 940.225, or 948.02 (1) or (2), no district attorney may
3 do any of the following in connection with the report:

4 (a) Order that the person submit to a test using a lie detector.

2-5 (b) Suggest or request that the person submit to a test using a lie detector
6 without first providing the person with notice and an explanation of his or her right
7 not to submit to such a test.²

8 (END)