

2003 ASSEMBLY BILL 533

September 23, 2003 – Introduced by Representatives GARD, AINSWORTH, LEMAHIEU, TOWNS, ALBERS, RHOADES, FREESE, HAHN, NISCHKE, PETROWSKI, KESTELL, BIES, FRISKE, F. LASEE, J. WOOD, HUEBSCH, HUNDERTMARK, GUNDERSON, OTT, LOTHIAN, MONTGOMERY, MCCORMICK, HEBL, LADWIG, CULLEN, POWERS and STASKUNAS, cosponsored by Senators LEIBHAM, COWLES, LAZICH, GEORGE and RISSER. Referred to Committee on Corrections and the Courts.

1 **AN ACT** *to amend* 804.03 (3) of the statutes; **relating to:** contracts with persons
2 who take depositions.

Analysis by the Legislative Reference Bureau

Under current law, a deposition may be taken before a person authorized to administer oaths, including judges, court commissioners, administrative hearing officers, district attorneys, and court reporters. Generally, a deposition is taken before a court reporter, who records and transcribes the deposition. Currently, a deposition may not be taken before a disqualified person, which means a person who is a relative, employee, attorney, or counsel of any of the parties to the action; a relative or employee of the attorney or counsel of any of the parties; or a person who is financially interested in the action.

The bill expands the list of disqualified persons to include a person who is a party to the action. The bill also prohibits a person from taking a deposition unless the person has entered into a contract for court reporting services that is limited to a particular action or incident. The bill's prohibitions do not apply, however, to persons who take depositions for a public agency.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 804.03 (3) of the statutes is amended to read:

ASSEMBLY BILL 533**SECTION 1**

1 804.03 **(3)** DISQUALIFICATION FOR INTEREST. No deposition shall may be taken
2 before a person who is a party to the action or a relative or employee or attorney, or
3 counsel of any of the parties, or is a relative or employee of such attorney or counsel,
4 or is financially interested in the action. No deposition may be taken before a person
5 who has entered into a contract for court reporting services unless the contract is
6 limited to a particular action or incident. This subsection does not apply to a person
7 who records or transcribes depositions for a public agency, as defined in s. 66.0825
8 (3) (h).

9

(END)