

2003 DRAFTING REQUEST

Assembly Amendment (AA-AB709)

Received: **01/27/2004**

Received By: **gmalaise**

Wanted: **Today**

Identical to LRB:

For: **Sheryl Albers (608) 266-8531**

By/Representing: **Jason (Hundtermark)**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - juvenile justice**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Albers@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Court-ordered disclosure of law enforcement records of juveniles to schools

Instructions:

Permit school that is denied access to a law enforcement record to petition juvenile court for disclosure of record

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>
/?	gmalaise 01/27/2004	kfollett 01/27/2004		_____			
/1			pgreensl 01/27/2004	_____	lemery 01/27/2004	lemery 01/27/2004	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	gmalaise 01/28/2004	kfollett 01/30/2004	rschluet 01/30/2004	_____	sbasford 01/30/2004	sbasford 01/30/2004	

FE Sent For:

<END>

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1?	gmalaise	1/16/04 1/27/04	1/27/04 PS	1/27/04 selb			

FE Sent For:

<END>



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa2039/7
GMM. *[Signature]*

Today!

**ASSEMBLY AMENDMENT ,
TO 2003 ASSEMBLY BILL 709**

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

2 **1.** Page 6, line 18: after that line insert:

3 **"SECTION 13g.** 938.396 (5) (c) 3. of the statutes is created to read:

4 938.396 (5) (c) 3. If the petitioner is a person who was denied access to a record
5 under sub. (1m) (a), (am), (ar), or (b), the petitioner's legitimate educational
6 interests, including safety interests, in the information against the juvenile's
7 interest in rehabilitation and in avoiding the stigma that might result from
8 disclosure and against the public's interest in protecting the integrity of the juvenile
9 justice system."

10 **2.** Page 7, line 3: after that line insert:

1 ^f
2 “(2~~m~~) DISCLOSURE OF LAW ENFORCEMENT RECORDS. The treatment of section
3 938.396 (5) (c) 3. of the statutes first applies to a law enforcement record to which
4 access is denied on the effective date of this subsection.”

(END)

1/26/04

1/2 Provide separate procedure for schools
to obtain access to law enforcement records
by court order. Specifically, provide for
ex parte proceeding w/ no notice or hearing
(But then need prompt post-deprivation hearing
for due process concerns)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa2039/1

GMM:kjf

500

RMR

ASSEMBLY AMENDMENT,
TO 2003 ASSEMBLY BILL 709

Society's interest in protecting
its confidentiality

1
Insert
1-2
2
3

At the locations indicated, amend the bill as follows:

1. Page 6, line 18: after that line insert:

SECTION 13g. 938.396^v (5) (c) 3. of the statutes is created to read:

4 938.396 (5) (c) 3. If the petitioner is a person who was denied access to a record
5 under sub. (1m) (a), (am), (ar), or (b), the petitioner's legitimate educational
6 interests, including safety interests, in the information against ~~the juvenile's~~
7 ~~interest in rehabilitation and in avoiding the stigma that might result from~~
8 ~~disclosure and against the public's interest in protecting the integrity of the juvenile~~
9 ~~justice system.~~"

10 2. Page 7, line 3: after that line insert:

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2039/2ins
GMM.....

(INSERT 1-2)

"SECTION 13d. 938.396 (5) (b) of the statutes is amended to read:

938.396 (5) (b) ~~The~~ If the petitioner is seeking access to a record under sub. (1), (1b), (1d), (1g), (1m) (c) or (d), (1r), or (1t), the court shall notify the juvenile, the juvenile's counsel, the juvenile's parents, and appropriate law enforcement agencies in writing of the petition. If any person notified objects to the disclosure, the court may hold a hearing to take evidence relating to the petitioner's need for the disclosure.

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 80, 95, 181, 205, 252, 258, 281; 1999 a. 9, 32, 89; 2001 a. 95; 2003 a. 82.

SECTION 13e. 938.396 (5) (bm) of the statutes is created to read:

938.396 (5) (bm) If the petitioner is seeking access to a record under sub. (1m) (a), (am), (ar), or (b), the court shall, without notice or hearing, make the inspection and determinations specified in par. (c) and, if the court determines that disclosure is warranted, shall order disclosure under par. (d). The petitioner shall provide a copy of the disclosure order to the law enforcement agency that denied access to the record, the juvenile, the juvenile's counsel, and the juvenile's parents. Any of those persons may obtain a hearing on the court's determinations by filing a motion to set aside the disclosure order within 10 days after receipt of the order. If no motion is filed within those 10 days or if, after hearing, the court determines that no good cause has been shown for setting aside the order, the law enforcement agency shall disclose the juvenile's record as ordered.

(END OF INSERT)