Received: 01/27/2004

2003 DRAFTING REQUEST

Received By: gmalaise

Assembly Amendment (AA-AB709)

Wanted: Today					Identical to LRB:					
For: She	eryl Albers (6	08) 266-8531		•	By/Representing: Jason (Hundtermark)					
This file may be shown to any legislator: NO May Contact:										
					Addl. Drafters:					
Subject:	Childre	en - juvenile ju	stice		Extra Copies:					
Submit	via email: YES	· }								
Request	er's email:	Rep.Alber	s@legis.sta	te.wi.us						
Carbon (copy (CC:) to:						-2 -4 -2			
Pre Top	pic:									
No speci	ific pre topic g	iven								
Topic:							* .			
Court-or	dered disclosu	re of law enforce	cement recor	rds of juvenile	es to schools					
Instruct	tions:									
Permit secord	chool that is de	enied access to	a law enforc	ement record	to petition juveni	le court for disc	closure of			
Drafting	g History:	//								
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required			
?	gmalaise 01/27/2004	kfollett 01/27/2004								
1			pgreensl 01/27/200)4	lemery 01/27/2004	lemery 01/27/2004				

01/30/2004 02:35:16 PM Page 2

Vers.	<u>Drafted</u>	Reviewed	<u>Typed</u>	Proofed	<u>Submitted</u>	<u>Jacketed</u>	Required
/2	gmalaise 01/28/2004	kfollett 01/30/2004	rschluet 01/30/2004	4	sbasford 01/30/2004	sbasford 01/30/2004	

FE Sent For:

<END>

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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.
Diaming	TIME OF A

Vers. **Drafted** Reviewed **Typed** Proofed **Submitted Jacketed** Required /? gmalaise kfollett

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<END>

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gmalaise

FE Sent For:



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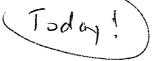
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State of Misconsin 2003 - 2004 LEGISLATURE





ASSEMBLY AMENDMENT, TO 2003 ASSEMBLY BILL 709

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

- 1. Page 6, line 18: after that line insert:
- "Section 13g. 938.396 (5) (c) 3. of the statutes is created to read:

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

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

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

(END)

(000-200-3301)
1/20/04
12 Provide segarate procedure for schools
to obtain a cost lan enforcement records
my court order. Specifically provide for
ex porte proceeding ul no notice or hearing
(But they need prompt post-doprivation bearing
for due process (moins)



State of Misconsin 2003 - 2004 LEGISLATURE





ASSEMBLY AMENDMENT, TO 2003 ASSEMBLY BILL 709

Society's interest in protecting

1ts confidentiality

Society's interest in protecting

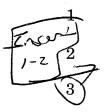
At the locations indicated, amend the bill as follows:

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

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

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

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



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(b), (bm), and

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

(END)

2003–2004 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

(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)