



State of Wisconsin
2005 - 2006 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 37**

February 18, 2005 – Offered by Representative GUNDRUM.

- 1 **AN ACT to create** 906.15 (2) (bm) of the statutes; **relating to:** an exemption from
2 the witness exclusion rule for a law enforcement officer designated by the state
3 in criminal and delinquency proceedings.

Analysis by the Legislative Reference Bureau

Under current law, upon the request of a party to a legal proceeding, a judge must issue an order excluding witnesses from the proceeding so that they cannot hear each other's testimony. A judge may also independently order witnesses excluded. However, a witness exclusion order does not apply to: a person who is a party to the proceeding; a representative of a company or other entity that is a party to the proceeding; a person whose presence is shown to be essential to the presentation of a party's cause; or, in criminal or delinquency cases, the victim of the crime or delinquent act, unless the judge finds that exclusion of the victim is necessary for a fair trial.

This bill provides that a witness exclusion order does not apply in criminal or delinquency cases to a law enforcement officer designated by the prosecutor. However, the court may determine when in the order of witnesses for the prosecution the officer may testify.

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

