

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4435/1dn
CTS:jld:jf

February 2, 2006

Representative Montgomery:

This is a redraft of LRB-4435/P1, based on changes provided by your aide, Adam Raschka. Please review it carefully to ensure it is consistent with your intent, and note the following:

1. I have made a number of changes to the proposed language contained in the instructions to enhance clarity and readability and to conform to our drafting conventions.
2. The drafting instructions refer to "caller I.D. or similar technology," but do not propose a definition for the term. In order to incorporate this concept, I have attempted to craft a definition. Does this definition correctly reflect your intent?
3. For consistency, I have changed references to "telecommunications" to "telephone." Is this okay?
4. As in the previous draft, "telephone record" is defined in part as a document containing "telephone numbers." Should the draft make allowance for the possibility that other identifiers may be used to initiate voice communications using newer technology, e.g., voice over Internet protocol (VOIP)?
5. The drafting instructions indicate that the definition of "customer" should include a "legal guardian or representative" of a person. It is unclear what this change is intended to accomplish. If this language is incorporated, a person who violates the provisions of the draft would potentially face two private actions arising out of the same violation arising from a telephone record pertaining to a person who has a legal guardian or representative: one action by the person, and another action by the person's legal guardian. I have assumed this is not your intent. Current law generally authorizes a guardian to bring an action in the name of the minor or individual, so I have not included the suggested language.
6. Note that the definition of "telephone service" is restricted to paid services. I have assumed from the reference in the drafting instructions to "commercial telephone services" that you do not intend for the draft to apply to records pertaining to free communications services. Is this correct?

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