

2005 ASSEMBLY BILL 727

1 **AN ACT** *to amend* 971.23 (8) (a) and 971.23 (8) (d) of the statutes; **relating to:**
2 alibi witnesses in criminal cases.

Analysis by the Legislative Reference Bureau

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

3 **SECTION 1.** 971.23 (8) (a) of the statutes is amended to read:
4 971.23 **(8)** (a) If the defendant intends to rely upon an alibi as a defense, the
5 defendant shall give notice to the district attorney at the arraignment or at least 15
6 30 days before trial stating particularly the place where the defendant claims to have
7 been when the crime is alleged to have been committed together with the names and
8 addresses of witnesses to the alibi, if known. If at the close of the state's case the
9 defendant withdraws the alibi or if at the close of the defendant's case the defendant
10 does not call some or any of the alibi witnesses, the state shall not comment on the

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1 defendant's withdrawal or on the failure to call some or any of the alibi witnesses.
2 The state shall not call any alibi witnesses not called by the defendant for the purpose
3 of impeaching the defendant's credibility with regard to the alibi notice. Nothing in
4 this section may prohibit the state from calling said alibi witnesses for any other
5 purpose.

6 **SECTION 2.** 971.23 (8) (d) of the statutes is amended to read:

7 971.23 **(8)** (d) Within ~~10~~ 20 days after receipt of the notice of alibi, or such other
8 time as the court orders, the district attorney shall furnish the defendant notice in
9 writing of the names and addresses, if known, of any witnesses whom the state
10 proposes to offer in rebuttal to discredit the defendant's alibi. In default of such
11 notice, no rebuttal evidence on the alibi issue shall be received unless the court, for
12 cause, orders otherwise.

13 **(END)**