

**ASSEMBLY BILL 727 (LRB -3187)**

An Act to amend 971.23 (8) (a) and 971.23 (8) (d) of the statutes; relating to: alibi witnesses in criminal cases.

**2005**

10-06. A. Introduced by Representatives **Gundrum, Hines, Lothian, Ott, Suder, Owens, Musser, Krawczyk, Hahn, Lehman, Bies, Berceau, Albers, LeMahieu, Van Roy, Lamb, Ballweg** and **Pettis**; cosponsored by Senators **Darling** and **Kedzie**.

10-03. A. Read first time and referred to committee on Judiciary ..... 510

10-06. A. Public hearing held.

10-20. A. Executive action taken.

10-25. A. Report passage recommended by committee on Judiciary, Ayes 7, Noes 0 ..... 534

10-25. A. Referred to committee on Rules ..... 534

10-25. A. Placed on calendar 10-27-2005 by committee on Rules.

10-27. A. Read a second time ..... 553

10-27. A. Ordered to a third reading ..... 553

10-27. A. Rules suspended ..... 553

10-27. A. Read a third time and **passed** ..... 553

10-27. A. Ordered immediately messaged ..... 553

11-01. S. Received from Assembly ..... 421

11-01. S. Read first time and referred to committee on Judiciary, Corrections and Privacy ..... 421

11-10. S. Public hearing held.

11-22. S. Executive action taken.

12-02. S. Report concurrence recommended by committee on Judiciary, Corrections and Privacy, Ayes 5, Noes 0 .... 471

12-02. S. Available for scheduling.

**2006**

02-16. S. Placed on calendar 2-21-2006 by committee on Senate Organization.

02-21. S. Read a second time.

02-21. S. Ordered to a third reading.

02-21. S. Rules suspended.

02-21. S. Read a third time and **concurred in**.

02-21. S. Ordered immediately messaged.

02-21. A. Received from Senate concurred in ..... 823

SB

**2005  
ENROLLED BILL**

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**ADOPTED DOCUMENTS:**

**Orig**     **Engr**         **SubAmdt**     

05-3187/1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Relating

2/23/06  
Date

J R Miller  
Enrolling Drafter

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## 2005 ASSEMBLY BILL 727

October 3, 2005 – Introduced by Representatives GUNDRUM, HINES, LOTHIAN, OTT, SUDER, OWENS, MUSSER, KRAWCZYK, HAHN, LEHMAN, BIES, BERCEAU, ALBERS, LEMAHIEU, VAN ROY, LAMB, BALLWEG and PETTIS, cosponsored by Senators DARLING and KEDZIE. Referred to Committee on Judiciary.

- 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.

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### *Analysis by the Legislative Reference Bureau*

Under current law, if a criminal defendant intends to rely upon an alibi as a defense, he or she must notify the district attorney at the arraignment or at least 15 days before trial. The notice must indicate where the defendant claims to have been when the crime was allegedly committed and provide the names and addresses of known alibi witnesses. If the notice is not provided, the defendant may not present any evidence relating to the alibi unless the court has a reason to order otherwise. The court may also extend the deadline for filing a notice of alibi if it has a reason to do so.

Within ten days after receiving the alibi notice from the defendant, or when ordered to do so by the court, the district attorney must provide the defendant, in writing, the names and addresses of any known witnesses whom he or she proposes to use to discredit the defendant's alibi. If this notice is not provided, the district attorney may not present any rebuttal evidence relating to the alibi unless the court has a reason to order otherwise.

This bill requires the defendant to provide notice regarding any alibi at the arraignment or at least 30 days before trial and requires the district attorney to provide notice regarding any alibi rebuttal witnesses within 20 days after receiving the defendant's notice. The bill does not affect the power of the court under current

