

2007 SENATE BILL 419

January 25, 2008 – Introduced by Senator TAYLOR, cosponsored by Representative BIES, by request of Wisconsin Judicial Council. Referred to Committee on Judiciary, Corrections, and Housing.

1 **AN ACT to amend** 971.31 (10); and **to create** 808.03 (3) and 938.297 (8) of the
2 statutes; **relating to:** appellate procedure.

Analysis by the Legislative Reference Bureau

In criminal cases, current law permits the review of an order denying a motion to suppress evidence or a motion challenging admissibility of a defendant's statement as part of an appeal from a conviction, notwithstanding the fact that the judgment of conviction was entered on a guilty plea. This bill permits review of an order denying a motion to suppress evidence or a motion challenging admissibility of the statement of a defendant as part of an appeal from a final judgment or order, notwithstanding the fact that the final judgment or order was entered on an admission of guilt, consent, or no contest plea. This bill also permits the review of orders denying a motion to suppress evidence or a motion challenging admissibility of the statement of a juvenile upon review from a final judgment or order, notwithstanding the fact that the final judgment or order was entered upon a plea of no contest or an admission to the allegations of a petition filed in cases involving juveniles alleged to be delinquent.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SENATE BILL 419**SECTION 1**

1 **SECTION 1.** 808.03 (3) of the statutes is created to read:

2 **808.03 (3) REVIEW OF AN ORDER DENYING SUPPRESSION OR EXCLUSION OF EVIDENCE.**

3 An order denying a motion to suppress evidence or a motion challenging the
4 admissibility of a statement of a defendant under s. 971.31 (10) or a juvenile under
5 s. 938.297 (8) may be reviewed upon appeal from a final judgment or order
6 notwithstanding the fact that the final judgment or order was entered upon a plea
7 of guilty or no contest, an admission, or a consent to an information, criminal
8 complaint, or petition.

9 **SECTION 2.** 938.297 (8) of the statutes is created to read:

10 **938.297 (8) APPELLATE REVIEW.** An order denying a motion to suppress evidence
11 or a motion challenging the admissibility of a statement of a juvenile may be
12 reviewed upon appeal from a final judgment or order notwithstanding the fact that
13 such final judgment or order was entered upon an admission or a plea of no contest
14 to the allegations in the petition.

15 **SECTION 3.** 971.31 (10) of the statutes is amended to read:

16 **971.31 (10)** An order denying a motion to suppress evidence or a motion
17 challenging the admissibility of a statement of a defendant may be reviewed upon
18 appeal from a final judgment of conviction or order notwithstanding the fact that
19 such the judgment or order was entered upon a plea of guilty or no contest, an
20 admission, or a consent to an information or criminal complaint.

21 **SECTION 4. Effective date.**

22 (1) This act takes effect on the first day of the 4th month beginning after
23 publication.

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(END)