

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB489)

Received: 12/15/2009

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Garey Bies (608) 266-5350**

By/Representing: **Andy Nowlan**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters: **rryan**

Subject: **Public Records
Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Bies@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

AA to AB-489

Instructions:

Provide that if OJA obtains criminal justice information from a law enforcement agency as a part of a criminal justice information-sharing project, neither OJA nor any other law enforcement agency to which OJA provides the information is the custodian of the information for purposes of access to any record containing the information. The originating agency remains the custodian for this purpose.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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12/1	jkuesel 12/16/09	1 gis	12/17/09 12/17	Km 12/17			

FE Sent For:

<END>

Kuesel, Jeffery

From: Sartin, Jeff A - OJA [Jeff.Sartin@Wisconsin.gov] 6-1742
Sent: Monday, December 14, 2009 4:38 PM
To: Kuesel, Jeffery
Cc: Steingraber, David O - OJA
Subject: WIJIS Language

Jeff,

Dave Steingraber asked me to provide you with possible draft language to include in AB 489. We have come up with two alternatives and would like to work with your to determine the best option. The first option is to add the following language to sub (b):

"If a local law enforcement agency or its information technology authority submits data into a criminal justice information sharing project and submits either the entirety or any portion thereof of a designated law enforcement record, the law enforcement record's originating local law enforcement agency shall remain the custodian of the shared and original law enforcement record. Furthermore, any additional governmental unit participating in the information sharing project must deny any information request upon any law enforcement record for which it is not the designated custodian."

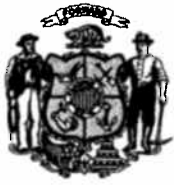
Or a second option would be to have a sub (d) section with the following text:

"(d) This subsection applies to technology and technology support provided to law enforcement agencies through the Wisconsin Justice Information Sharing Program (WIJIS). Requests to WIJIS under sub. (1) for access to information derived from a law enforcement record through the WIJIS system shall be denied."

My main goal with this language is to allow for WIJIS to continue to develop and run applications that allow us to assist and facilitate information exchange for Wisconsin's criminal justice community, however I do not want to marry WIJIS to a specific technology or even application as they are likely to change over time. Therefore, I attempted to write towards the process by which we do assist/facilitate in the information flow. Please let me know if you have any questions please let me know.

Thanks,

Jeff



State of Wisconsin
2009 - 2010 LEGISLATURE

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FR 12/18

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 489

bill list

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 2: delete "local government" and substitute "shared".

3 2. Page 2, line 1: before that line insert:

4 "SECTION 1. 16.964 (18) of the statutes is created to read:

5 16.964 (18) (a) In this subsection:

6 1. "Law enforcement agency" has the meaning given in s. 165.83 (1) (b) or (e).

7 2. "Law enforcement investigation information" means information that is
8 collected by the office under sub. (1) consisting of arrest reports, incident reports, and
9 other information relating to persons suspected of committing crimes that was
10 created by a law enforcement agency and provided to the office by that agency for the
11 purpose of sharing with other law enforcement agencies and prosecutors.

1 m

1 (b) For purposes of requests for access to records under s. 19.35 (1), if the office
 2 of justice assistance has custody of a record containing law enforcement
 3 investigation information, the office and any other law enforcement agency with
 4 which the office shares the information contained in the record are not the legal
 5 custodians of the record relating to that information. For such purposes, the legal
 6 custodian of the record is the law enforcement agency that provides the information
 7 to the office. If the office or any other law enforcement agency that receives a request
 8 under s. 19.35 (1) for access to information in such a record, the office and the other
 9 law enforcement agency shall deny any portion of the request that relates to law
 10 enforcement investigation information .”

11 3. Page 2, line 1: delete “SECTION 1” and substitute “SECTION 2”.

12 (END)