

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB559)

Received: 02/02/2010

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Karl Van Roy (608) 266-0616**

By/Representing: **Tonya**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Courts - garn/injunct**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Immunity; self-incrimination

Instructions:

See attached

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>
/P1	chanaman 02/02/2010	bkraft 02/02/2010	mduchek 02/02/2010	_____	lparisi 02/02/2010		
/P2	chanaman 02/04/2010 chanaman 02/09/2010	bkraft 02/04/2010 bkraft 02/09/2010	rschluet 02/04/2010	_____ _____	sbasford 02/04/2010		
/1			mduchek 02/09/2010	_____	lparisi 02/09/2010	lparisi 02/09/2010	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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1 bjk 2/a


2/9

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/P1	chanaman 02/02/2010	bkraft 02/02/2010	mduchek 02/02/2010	_____	lparisi 02/02/2010		

1 P2 bjk²/4
2410

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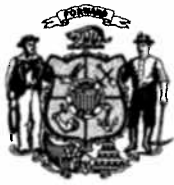
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/P1	chanaman	/P1 bjk 2/2					
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FE Sent For:

<END>



State of Wisconsin

2009 - 2010 LEGISLATURE

In 2:02pm LRBa1454/P1

CMH:.....

TOA if possible

Lbjk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 559

bk

D-note

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

2 1. Page 14, line 25: after that line insert:

3 "(5m) INCRIMINATING STATEMENTS COMPELLED; IMMUNITY. (a) If a respondent
4 refuses to complete a firearm possession form or to respond to the court's inquiry
5 under sub. (2) (a) or (4) (c) because for the reason that the completed firearm possession form
6 or response required of him or her may incriminate him or her or subject him or her
7 to a forfeiture or penalty, the court may order the respondent to complete the firearm
8 possession form or respond to the inquiry. A completed firearm possession form or
9 response compelled under a court order under this paragraph may not be used,
10 directly or indirectly, against the respondent in a criminal case except to prosecute
11 the respondent for perjury, contempt, or false swearing committed on the firearm
12 possession form or in the response.

1 (b) The immunity provided under par. (a) is subject to the restrictions under
2 s. 972.085.”.

3 (END)

D-note
Date

LRBa1454/P1dn
CMH: bjk:

Tanya ☺

☺ This amendment is a preliminary amendment because
I anticipate you may want some language changes
as you share it with other attorneys. It will need
to be redrafted to be introducible. ☺

CMH

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1454/P1dn
CMH:bjk:md

February 2, 2010

Tanya:

This amendment is a preliminary amendment because I anticipate you may want some language changes as you share it with other attorneys. It will need to be redrafted to be introducible.

Cathlene Hanaman
Legislative Attorney
Phone: (608) 267-9810
E-mail: cathlene.hanaman@legis.wisconsin.gov



PR
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TODAY
please

stays
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 559

bh
SA
x-ref

Insert

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

2 **1.** Page 14, line 25: after that line insert:

3 **“(5m) INCRIMINATING STATEMENTS COMPELLED; IMMUNITY.** (a) If a respondent

4 refuses to complete a firearm possession form or to respond to the court’s inquiry

5 under sub. (2) (a) or (4) (c) because the completed firearm possession form or response

6 may incriminate him or her or subject him or her to a forfeiture or penalty, the court

7 may order the respondent to complete the firearm possession form or respond to the

8 inquiry. A completed firearm possession form or response compelled under a court

9 order under this paragraph may not be used, directly or indirectly, against the

10 respondent in a criminal case except to prosecute the respondent for perjury,

11 contempt, or false swearing committed on the firearm possession form or in the

12 response.

1 (b) The immunity provided under par. (a) is subject to the restrictions under
2 s. 972.085.”

3

(END)

INS

2-3

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1454/p2ins
CMH:.....

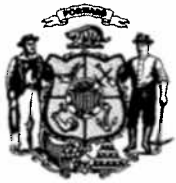
1 Insert 2-3

2 **1.** Page 15, line 19: after that line insert:

3 “**SECTION 28h.** 972.085 of the statutes is amended to read:

4 **972.085 Immunity; use standard.** Immunity from criminal or forfeiture
5 prosecution under ss. 13.35, 17.16 (7), 77.61 (12), 93.17, 111.07 (2) (b), 128.16, 133.15,
6 139.20, 139.39 (5), 195.048, 196.48, 551.602 (5), 553.55 (3), 601.62 (5), 767.87 (4),
7 813.129 (5m), 885.15, 885.24, 885.25 (2), 891.39 (2), 968.26, 972.08 (1) and 979.07 (1)
8 and ch. 769, provides immunity only from the use of the compelled testimony or
9 evidence in subsequent criminal or forfeiture proceedings, as well as immunity from
10 the use of evidence derived from that compelled testimony or evidence.”.

History: 1989 a. 122; 1995 a. 225, 400; 1997 a. 35; 2005 a. 443 s. 265; 2007 a. 196.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1454/EP

CMH:bjk:rs

stays

Now

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 559

bh

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10 evidence in subsequent criminal or forfeiture proceedings, as well as immunity from
11 the use of evidence derived from that compelled testimony or evidence.”.

12 (END)