

2009 DRAFTING REQUEST

Bill

Received: 03/10/2009

Received By: jkuesel

Wanted: As time permits

Identical to LRB:

For: Amy Sue Vruwink (608) 266-8366

By/Representing: Jon Mielke

This file may be shown to any legislator: NO

Drafter: mkunkel

May Contact:

Addl. Drafters:

Subject: Public Records

Extra Copies:

Submit via email: YES

Requester's email: Rep.Vruwink@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Copies of 911 recordings available in transcript form only

Instructions:

Per attached E mail and tel con w/ Jon Mielke, 3/10/09.

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>
/?	jkuesel 07/02/2009	bkraft 07/09/2009		_____			
/1	mkunkel 10/28/2009	bkraft 10/28/2009	rschluet 07/10/2009	_____	mbarman 07/10/2009		
/2			mduchek 10/28/2009	_____	cduerst 10/28/2009	cduerst 10/30/2009	

FE Sent For: **NONE**

<END>

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12 bjk 10/28

10/28
19 28
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1/1	jkuesel 7/2/09	1/bjk 7/9		_____			

FE Sent For: <END>

Kuesel, Jeffery

From: Mielke, Jon
Sent: Tuesday, March 10, 2009 9:25 AM
To: Kuesel, Jeffery
Subject: Bill draft

Date: March 10, 2009

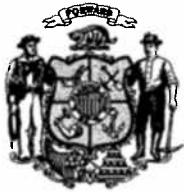
To: Jeffrey Keusel

From: Jon Mielke, Rep. Amy Sue Vruwink

Re: change to opens records requests

Rep. Vruwink would like to draft legislation which would make the following change to the open records statutes: When a request is made for open records relating to audio recordings (example, 9-1-1 calls), the government department or agency receiving the request may release a written transcript of the audio recording but not the actual audio recording itself. The transcript would be subject to normal open records law.

We have met with Ron Sklansky from the Legislative Council and we believe that this request would satisfy the intent of the open records law without subjecting family members to undue invasion of privacy when recordings of this nature are subject to open records requests by media outlets. These recordings are usually made in connection with attempts of friends or family seeking help from law enforcement in an emergency. The transcripts should suffice without causing additional stress at a later date to the person who made the call.



~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SA

1

AN ACT ...; ^{gen}relating to: access to public records maintained in audio format; _{period stays}

Analysis by the Legislative Reference Bureau

Currently, except as otherwise provided by law, a requester of a public record that is in the form of a comprehensible audio tape recording has the right to receive a copy of the recording substantially as audible as the original. This bill provides, instead, that except as otherwise provided by law, a requester of a public record that is in the form of an audio recording has the right to receive a transcript of the recording or, if the state or local governmental unit having custody of the record permits, a copy of the recording substantially as audible as the original.

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

SECTION 1. 19.35 (1) (c) of the statutes is amended to read:
19.35 (1) (c) Except as otherwise provided by law, any requester has a right to receive from an authority having custody of a record which is in the form of a comprehensible audio tape recording a transcript of the recording or, if the authority having custody of the record permits, a copy of the tape recording substantially as

1 audible as the original. ~~The authority may instead provide a transcript of the~~
2 ~~recording to the requester if he or she requests.~~

3 **History:** 1981 c. 335, 391; 1991 a. 39, 1991 a. 269 ss. 34am, 40am; 1993 a. 93; 1995 a. 77, 158; 1997 a. 94, 133; 1999 a. 9; 2001 a. 16; 2005 a. 344.

(END)

Kunkel, Mark

From: Mielke, Jon
Sent: Thursday, October 22, 2009 3:40 PM
To: Kunkel, Mark
Subject: RE: Email from LRB Website

Thanks, Mark.

From: Kunkel, Mark
Sent: Thursday, October 22, 2009 2:56 PM
To: Mielke, Jon
Subject: FW: Email from LRB Website

Jon:

Jeff turned this redraft over to me, as I do some telecommunications drafting. I apologize for the delay, but I will try to get something to you next week.

-- Mark

From: Mielke, Jon
Sent: Tuesday, October 20, 2009 1:02 PM
To: Kuesel, Jeffery
Subject: Email from LRB Website

October 20, 2009

Hi Jeffrey,

Any idea when the redraft of LRB 2340/1 will be available? We requested that it be restricted to audio tapes of 9-1-1 calls.

Thanks,

Jon Mielke
Legis. Asst.
Rep. Amy Sue Vruwink



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2340/02
bik:rs
stay

O-NOTE

MDK

2009 BILL

12
10-28

B4 10-30

SA Inserts
x-ref

audio recordings of
911 calls

- 1 AN ACT to amend 19.35 (1) (c) of the statutes; relating to: access to public
- 2 records maintained in audio format.

current
law

INSERT 1A

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 6 comprehensible audio tape recording a transcript of the recording or, if the authority
 7 having custody of the record permits, a copy of the tape recording substantially as

BILL

1 audible as the original. The authority may instead provide a transcript of the
2 recording to the requester if he or she requests.

3

(END)

INSERT 2-3

D-note

1

INSERT 1A:

, except as otherwise provided under statutory or common law, and except that the custodian of the recording may withhold access under a “balancing test” that weighs the public interest in withholding access against the strong public interest in providing access. This bill creates another exception for 911 calls. Under the bill, subject to the exceptions under current law, a requester has the right to inspect and copy a transcript of a 911 call, but does not have the right to inspect or copy an audio recording of a 911 call.

2

INSERT 2-3:

3

SECTION 1. 256.35 (9m) of the statutes is created to read:

4

256.35 (9m) AUDIO RECORDING CONFIDENTIALITY. An audio recording of a call by a person dialing the digits “911” is not subject to inspection or copying under s. 19.35. A transcript of such a recording is subject to inspection and copying under s. 19.35.

5

6

7

SECTION 2. Initial applicability.

8

(1) The treatment of section 256.35 (9m) of the statutes first applies to inspection or copying requests made under section 19.35 of the statutes on the effective date of this subsection.

9

10

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2340/2dn

MDK:.....

Lbjk

Date

Rep. Vruwink:

Under the initial applicability provision I drafted, the bill first applies to requests made on the effective date of the bill. Therefore, the bill does not apply to a request made before the effective date. Is that okay?

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

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

LRB-2340/2dn
MDK:bjk:md

October 28, 2009

Rep. Vruwink:

Under the initial applicability provision I drafted, the bill first applies to requests made on the effective date of the bill. Therefore, the bill does not apply to a request made before the effective date. Is that okay?

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

Duerst, Christina

From: Mielke, Jon
Sent: Friday, October 30, 2009 11:56 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-2340/2 Topic: Copies of 911 recordings available in transcript form only

Please Jacket LRB 09-2340/2 for the ASSEMBLY.