

**ASSEMBLY BILL 124 (LRB -2012)**

An Act to amend 971.31 (10); and to create 808.03 (3) and 938.297 (8) of the statutes; relating to: appellate procedure. (FE)  
**2009**

03-04.	A.	Introduced by Representatives <b>Hebl, Staskunas, Turner</b> and <b>Townsend</b> ; cosponsored by Senators <b>Taylor</b> and <b>Risser</b> , by request of Wisconsin Judicial Council.	
03-04.	A.	Read first time and referred to committee on Judiciary and Ethics .....	96
03-19.	A.	Fiscal estimate received.	
03-20.	A.	Fiscal estimate received.	
03-30.	A.	Fiscal estimate received.	
04-14.	A.	Public hearing held.	
04-21.	A.	Executive action taken.	
04-23.	A.	Report passage recommended by committee on Judiciary and Ethics, Ayes 10, Noes 0 .....	138
04-23.	A.	Referred to committee on Rules .....	138
04-23.	A.	Placed on calendar 4-28-2009 by committee on Rules.	
04-28.	A.	Read a second time .....	154
04-28.	A.	Ordered to a third reading .....	154
04-28.	A.	Rules suspended .....	154
04-28.	A.	Read a third time and <b>passed</b> .....	154
04-28.	A.	Made a special order of business at 7:00 A.M. on 4-29-2009 pursuant to Assembly Resolution 8 .....	160
04-29.	A.	Ordered immediately messaged .....	164
04-29.	S.	Received from Assembly .....	151
05-04.	S.	Read first time and referred to committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing .....	156
05-14.	S.	Withdrawn from committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing and rereferred to committee on Senate Organization, pursuant to Senate Rule 46 (2)(c) .....	174
05-14.	S.	Available for scheduling.	
06-03.	S.	Placed on calendar 6-9-2009 by committee on Senate Organization .....	191
06-09.	S.	Read a second time .....	198
06-09.	S.	Ordered to a third reading .....	198
06-09.	S.	Rules suspended .....	198
06-09.	S.	Read a third time and <b>concurred in</b> .....	198
06-09.	S.	Ordered immediately messaged .....	198
06-10.	A.	Received from Senate concurred in.	

*MB*

2009

ENROLLED BILL

09en AB-124

ADOPTED DOCUMENTS:

Orig     Engr         SubAmdt     

09 2012 1

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

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

Topic Rel

6-10-09

Date

J. Philly

Enrolling Drafter



## 2009 ASSEMBLY BILL 124

March 4, 2009 – Introduced by Representatives HEBL, STASKUNAS, TURNER and TOWNSEND, cosponsored by Senators TAYLOR and RISSER, by request of Wisconsin Judicial Council. Referred to Committee on Judiciary and Ethics.

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.

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### *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 a 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 or a 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.

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

**ASSEMBLY BILL 124****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           (a) An order denying a motion to suppress evidence or a motion challenging the  
4           admissibility of a statement of a juvenile may be reviewed upon appeal from a final  
5           judgment or order notwithstanding the fact that the judgment or order was entered  
6           upon an admission or a plea of no contest to the allegations in the petition.

7           (b) An order denying a motion to suppress evidence or a motion challenging the  
8           admissibility of a statement of a defendant may be reviewed upon appeal from a final  
9           judgment or order notwithstanding the fact that the judgment or order was entered  
10          upon a plea of guilty or no contest to the information or criminal complaint.

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

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

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

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

23          **SECTION 4. Effective date.**

