

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.

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.

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

ASSEMBLY BILL 124

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.**

