2009 DRAFTING REQUEST

Bill

Received: **02/05/2009**

Wanted: **As time permits**

For: **Gary Hebl (608) 266-7678**

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

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Subject: **Courts - miscellaneous**
Courts - limitations

Submit via email: **YES**

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

Carbon copy (CC:) to:

Received By: **phurley**

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Drafter: **phurley**

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Appellate procedure

Instructions:

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/1			mduchek 02/13/2009	_____ _____	cduerst 02/13/2009	lparisi 02/16/2009	

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LRB–0266/1
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2009   BILL

2-5-09

Regen

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:

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 <u>final</u> judgment ~~of conviction~~ <u>or order</u> notwithstanding the fact that

21   ~~such~~ <u>the</u> judgment <u>or order</u> was entered upon a plea of guilty <u>or no contest to the</u>

22   <u>information or criminal complaint</u>.

23   **SECTION 4. Effective date.**

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PJH:kjf:rs
SECTION 4

BILL

1   (1) This act takes effect on the first day of the 4th month beginning after

2   publication.

3   **(END)**

Barman, Mike

From: Battiato, Kate
Sent: Monday, February 16, 2009 11:16 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-2012/1 Topic: Appellate procedure

Please Jacket LRB 09-2012/1 for the ASSEMBLY.