

**2009 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB333)**

Received: **09/21/2009**

Received By: **rnelson2**

Wanted: **Today**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing: **Don Dyke**

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - miscellaneous**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to: **don.dyke@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Disclosure of news person's sources.

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**Instructions:**

See attached

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**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>
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/1	rnelson2 09/21/2009	wjackson 09/21/2009	mduchek 09/21/2009	_____	mbarman 09/21/2009	mbarman 09/21/2009	

FE Sent For:

<END>

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FE Sent For:

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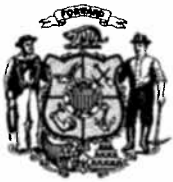
9/21

For Gardner

Exception for  
Subpoenas issued in delation  
court actions for libel or slander

(34) Libel or slander  
cannot issue unless  
1-3, 1-11

of an and.



Wanted  
today

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

**ASSEMBLY AMENDMENT ,**

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1, ✓**

**TO 2009 ASSEMBLY BILL 333 ✓**

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓ 1. Page 2, line 6: after "(b)" insert "and sub. (3m)".

3 ↓ 2. Page 3, line 14: delete "No" and substitute "Except as provided in sub. (3m),  
4 no".

5 ↓ 3. Page 3, line 19: after that line insert:

6 (6) (3m) SUBPOENAS ISSUED FOR LIBEL OR SLANDER. The prohibition against issuing  
7 a subpoena under sub. (2) or (3) does not apply to a subpoena issued by a circuit court  
8 if all of the following conditions are met:

9 (a) (1) The subpoena is issued in an action against a news person for libel or slander  
10 and the complaint states a claim upon which relief may be granted. 5

1 (b) 2 The news, information, or identity of the source is highly relevant to the  
2 action.

3 (c) 3 The news, information, or identity of the source is necessary to the  
4 maintenance of a party's claim, <sup>or</sup> defense or to the proof of an issue material to the  
5 action.

6 (d) 4 The news, information, or identity of the source is not obtainable from any  
7 alternative source for the action. 2/0

8

(END)