

SENATE BILL 399 (LRB -2870)

An Act to repeal 908.07 and 970.03 (11); and to create 970.038 of the statutes; relating to: the admissibility of hearsay evidence at a preliminary examination.

2012

01-25. S. Introduced by Senators **Grothman** and **Lazich**; cosponsored by Representatives **Jacque, Bies, Craig, Krug** and **LeMahieu**.

01-25. S. Read first time and referred to committee on Judiciary, Utilities, Commerce, and Government Operations 671

02-08. S. Public hearing held.

02-22. S. Executive action taken.

02-27. S. Report passage recommended by committee on Judiciary, Utilities, Commerce, and Government Operations, Ayes 5, Noes 0 741

02-27. S. Available for scheduling.

03-05. S. Placed on calendar 3-6-2012 pursuant to Senate Rule 18(1) 756

03-06. S. Read a second time 765

03-06. S. Ordered to a third reading 765

03-06. S. Rules suspended 765

03-06. S. Read a third time and **passed** 765

03-06. S. Ordered immediately messaged 765

03-06. A. Received from Senate 876

03-06. A. Read first time and referred to committee on Rules 877

03-13. A. Made a special order of business at 9:15 A.M. on 3-14-2012 pursuant to Assembly Resolution 24 929

03-15. A. Ordered to a third reading.

03-15. A. Refused to refer to committee on Judiciary and Ethics, Ayes 29, Noes 53.

03-15. A. Rules suspended.

03-15. A. Read a third time and **concurred in**, Ayes 63, Noes 19.

03-15. A. Ordered immediately messaged.

03-19. S. Received from Assembly concurred in.

9MB

**2011
ENROLLED BILL**

11en SB-399

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

11-2872-1

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

None

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

None

Topic

Rel

3-21-12

Date

J. R. ...

Enrolling Drafter



2011 SENATE BILL 399

January 25, 2012 – Introduced by Senators GROTHMAN and LAZICH, cosponsored by Representatives JACQUE, BIES, CRAIG, KRUG and LEMAHIEU. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

1 **AN ACT** *to repeal* 908.07 and 970.03 (11); and *to create* 970.038 of the statutes;
2 **relating to:** the admissibility of hearsay evidence at a preliminary
3 examination.

Analysis by the Legislative Reference Bureau

Under current law, if an adult is charged with a felony (or, under certain circumstances, if a juvenile is charged with a violation that would be a crime if committed by an adult), a preliminary examination is conducted to determine whether there is probable cause to believe that the person committed the crime as charged. In the case of a juvenile, the preliminary examination is also used to determine whether the juvenile should be tried in adult court or referred to juvenile court.

Under current law, hearsay evidence (a statement, other than one made by a person who is testifying in court, that is offered to prove the truth of the matter asserted) is generally inadmissible in court proceedings, including in a preliminary examination. Current law offers some exceptions to the rule that hearsay is inadmissible, which generally require some indication that the hearsay is reliable or trustworthy. Current law also includes an exception at a preliminary examination to establish property ownership, a victim's lack of consent to entry upon or destruction of private property, and certain elements of identity theft crimes.

