



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2011 Wisconsin Act 285**  
[2011 Senate Bill 399]

**Hearsay Evidence at Preliminary  
Hearings**

2011 Wisconsin Act 285 provides that hearsay evidence is admissible at a preliminary hearing.

A preliminary hearing is held when an adult is charged with a felony. The purpose of the preliminary hearing is to establish that there is probable cause to believe that the person committed the crime as charged. In addition, a preliminary hearing is held when a juvenile is charged with a crime that is a felony under specified circumstances. At such a hearing for a juvenile, the court also may determine whether the juvenile should be tried as an adult or referred to the juvenile court.

Act 285 provides that hearsay evidence is admissible at a preliminary hearing. The Act specifies that a court may base its finding of probable cause in whole or in part on hearsay evidence admitted. Prior to the enactment of Act 285, hearsay evidence could be used at a preliminary hearing only to establish property ownership, a victim's lack of consent to entry upon or destruction of private property, or certain elements of identity theft crimes.

**Effective date:** Act 285 takes effect on April 27, 2012.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.