

2013 DRAFTING REQUEST

Bill

Received: 2/17/2014 Received By: phurley
 Wanted: As time permits Same as LRB: -4034
 For: Legislative Council - LRC By/Representing: Mike Queensland
 May Contact: Drafter: phurley
 Subject: Criminal Law - miscellaneous Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: patrick.fuller@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Adding an expectation of privacy to the definition of oral communication for purposes of surveillance

Instructions:

See attached

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>
/1	phurley	1/15/14 2/20		_____			

FE Sent For:

<END>

Hurley, Peggy

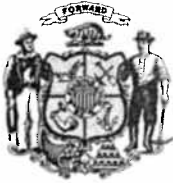
From: Queensland, Michael
Sent: Monday, February 17, 2014 11:38 AM
To: Hurley, Peggy
Subject: LRB 4034/1

Hi Peggy,

The Law Revision Committee wants to introduce LRB 4034/1 in both houses. Can you send me a companion bill when you get a chance?

Thanks!

Mike Queensland
Wisconsin Legislative Council
(608) 266-3810
michael.queensland@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-40344

PJH:kjfrs

4288/1

Comp
on

2013 BILL

2-17-14

1 AN ACT to amend 968.27 (12) of the statutes; relating to: the definition of an
2 oral communication for purposes of authorizing or prohibiting an interception
3 of an oral communication.

Analysis by the Legislative Reference Bureau

Current law generally prohibits a person from aurally recording or otherwise using a device to intercept another person's (speaker's) oral communications unless a court has authorized the interception or unless the person is a party to the communication or the speaker or another party to the communication has given permission for the interception. Current law defines "oral communication" in part as any oral communication uttered by a person exhibiting an expectation that the communication is not subject to interception under circumstances justifying the expectation.

In *State v. Duchow*, 2008 WI 57, 310 Wis. 2d 1, 749 N.W.2d 913, 05-2175, the Wisconsin Supreme Court held that the definition of "oral communication" incorporates a reasonable expectation of privacy, and that, absent a reasonable expectation of privacy, a person is not prohibited from aurally recording or otherwise using a device to intercept a speaker's oral communication.

This bill redefines "oral communication" as one uttered by a person who has a reasonable expectation the communication is private or who is exhibiting an

Barman, Mike

From: Queensland, Michael
Sent: Thursday, February 20, 2014 2:25 PM
To: LRB.Legal
Subject: Draft Review: LRB -4288/1 Topic: Adding an expectation of privacy to the definition of oral communication for purposes of surveillance

Please Jacket LRB -4288/1 for the SENATE.

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/1	phurley 2/17/2014	kfollett 2/20/2014		_____	mbarman 2/20/2014	srose 2/20/2014	

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 Not
 Needed

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re-submitted via e-mail

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