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 en Requester's er Carbon copy	mail: patrick.fuller@legis.	wisconsin.gov			
Pre Topic: No specific pr	re topic given				
Topic: Adding an ex	pectation of privacy to the definition o	of oral communication for p	urposes of surveillance		
Instructions:					
See attached					
Drafting His	tory:				
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FE Sent For:	2/20				

<**END>**

Hurley, Peggy

From:

Queensland, Michael

Sent:

Monday, February 17, 2014 11:38 AM Hurley, Peggy LRB 4034/1

To: Subject:

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 Misconsin 2013 - 2014 **LEGISLATURE**



2013 BILL

J-12-14

AN ACT to amend 968.27 (12) of the statutes; relating to: the definition of an 1 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 **BILL**

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expectation that the communication is not subject to interception under circumstances justifying the expectation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 968.27 (12) of the statutes is amended to read:

968.27 (12) "Oral communication" means any oral communication uttered by a person who has a reasonable expectation that the communication is private or who is exhibiting an expectation that the communication is not subject to interception under circumstances justifying the expectation. "Oral communication" does not include any electronic communication.

(END)

Barman, Mike

From:

Queensland, Michael

Sent:

Thursday, February 20, 2014 2:25 PM

To:

Subject:

LRB.Legal
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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