

2019 DRAFTING REQUEST

Bill

For: Jodi Emerson (608) 266-7461 Drafter: ewheeler
 By: Crystal Secondary Drafters:
 Date: 2/6/2020 May Contact:

Same as LRB:

Submit via email: YES
 Requester's email: Rep.Emerson@legis.wisconsin.gov
 Carbon copy (CC) to: Elizabeth.Wheeler@legis.wisconsin.gov
 elisabeth.shea@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Notification prior to custodial interrogation of a juvenile.

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	ewheeler 2/7/2020	kfollett 2/10/2020			
/P1			dwalker 2/10/2020		Local
/1			dwalker 2/13/2020	dwalker 2/13/2020	Local

FE Sent For:

<END>

→ At Intro.

Wheeler, Elizabeth

From: Champagne, Rick
Sent: Thursday, February 06, 2020 2:15 PM
To: Shea, Elisabeth; Wheeler, Elizabeth
Subject: FW: Redraft of 2015 AB 985

Can one of you redraft this? It's one of Gordon's oldies. Thanks.

Rick

Here's a link:

<https://docs.legis.wisconsin.gov/2015/related/proposals/ab985.pdf>

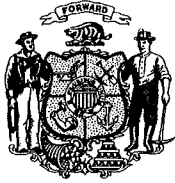
From: Miller, Crystal <Crystal.Miller@legis.wisconsin.gov>
Sent: Thursday, February 06, 2020 2:11 PM
To: Champagne, Rick <Rick.Champagne@legis.wisconsin.gov>
Subject: Redraft of 2015 AB 985

Hi Rick,

Rep Goyke gave Rep Emerson a copy of 2015 AB 985 that he told her she could get redrafted and introduce. Looks like the original drafter is no longer staff there. Could you please let us know the process for getting a redraft?

Thank you

Crystal Miller
Office of State Representative Jodi Emerson
91st Assembly District
Room 322 West-State Capitol-Madison, WI
(608) 237-9562
Crystal.Miller@legis.wisconsin.gov
Rep.Emerson@legis.wisconsin.gov



State of Wisconsin
2015 - 2016 LEGISLATURE

2019-2020

5603/P1
LRB-3959/1
GMM:ahc
EAW: JF

in 2/7 due 2/10

2015 ASSEMBLY BILL 985

March 10, 2016 – Introduced by Representatives GOYKE, BOWEN, BARNES, BROSTOFF, KESSLER, BERCEAU, JOHNSON, SPREITZER, CONSIDINE and ZAMARRIPA, cosponsored by Senators C. LARSON and L. TAYLOR. Referred to Committee on Criminal Justice and Public Safety.

1 AN ACT *to renumber and amend* 938.31 (3) (b); *to amend* 938.195 (title),
2 938.195 (2) (title) and 938.195 (3) (title); and *to create* 938.195 (1m) and 938.31
3 (3) (b) 1. of the statutes; **relating to:** notification of a juvenile's parent,
4 guardian, legal custodian, or Indian custodian prior to a custodial interrogation
5 of the juvenile.

Analysis by the Legislative Reference Bureau

This bill requires a law enforcement agency, prior to conducting a custodial interrogation of a juvenile, to provide notice of its intent to conduct the interrogation to the juvenile's parent, guardian, legal custodian, or Indian custodian and prohibits a law enforcement officer or agent of a law enforcement agency from commencing a custodial interrogation of a juvenile until the juvenile's parent, guardian, legal custodian, or Indian custodian has received that notice. The bill also provides that a statement made by the juvenile during a custodial interrogation is not admissible in evidence against the juvenile in any court proceeding alleging the juvenile to be delinquent unless the juvenile's parent, guardian, legal custodian, or Indian custodian received prior notice of the law enforcement agency's intent to conduct the custodial interrogation.

ASSEMBLY BILL 985

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 938.195 (title) of the statutes is amended to read:

2 **938.195** (title) ~~Recording—custodial~~ **Custodial** interrogations;
3 **notification; recording.**

4 **SECTION 2.** 938.195 (1m) of the statutes is created to read:

5 938.195 **(1m)** NOTIFICATION OF PARENT, GUARDIAN, LEGAL CUSTODIAN, INDIAN
6 CUSTODIAN. Prior to conducting a custodial interrogation of a juvenile, the law
7 enforcement agency that intends to conduct the interrogation shall provide notice of
8 that intent to the juvenile's parent, guardian, legal custodian, or Indian custodian.
9 No law enforcement officer or agent of a law enforcement agency may commence a
10 custodial interrogation of a juvenile until the juvenile's parent, guardian, legal
11 custodian, or Indian custodian has received that notice.

12 **SECTION 3.** 938.195 (2) (title) of the statutes is amended to read:

13 938.195 **(2)** (title) WHEN RECORDING REQUIRED.

14 **SECTION 4.** 938.195 (3) (title) of the statutes is amended to read:

15 938.195 **(3)** (title) NOTICE OF RECORDING NOT REQUIRED.

16 **SECTION 5.** 938.31 (3) (b) of the statutes is renumbered 938.31 (3) (b) (intro.)
17 and amended to read:

18 938.31 **(3)** (b) (intro.) Except as provided under par. (c), a statement made by
19 the juvenile during a custodial interrogation is not admissible in evidence against
20 the juvenile in any court proceeding alleging the juvenile to be delinquent unless ~~an~~
21 all of the following apply:

ASSEMBLY BILL 985

1 2. An audio or audio and visual recording of the interrogation was made as
2 required under s. 938.195 (2) and is available.

3 **SECTION 6.** 938.31 (3) (b) 1. of the statutes is created to read: ✓

4 938.31 (3) (b) 1. Prior to the custodial interrogation, the juvenile's parent,
5 guardian, legal custodian, or Indian custodian received notice of the law enforcement
6 agency's intent to conduct the custodial interrogation as required under s. 938.195 ✓
7 (1m).

8 **SECTION 7. Initial applicability.**

9 (1) NOTIFICATION OF CUSTODIAL INTERROGATIONS OF JUVENILES. This act first
10 applies to a custodial interrogation, as defined in section 968.073 (1) (a) of the ✓
11 statutes, of a juvenile conducted on the effective date of this subsection. ✓

12

(END)

Wheeler, Elizabeth

From: LRB.Legal
Sent: Wednesday, February 12, 2020 4:27 PM
To: Wheeler, Elizabeth
Subject: FW: Draft review: LRB -5663/P1

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Elizabeth. Please see below.
Thanks!

From: Rep.Emerson <Rep.Emerson@legis.wisconsin.gov>
Sent: Wednesday, February 12, 2020 4:13 PM
To: LRB.Legal <lrblegal@legis.wisconsin.gov>
Subject: RE: Draft review: LRB -5663/P1

Good afternoon,

Could we have a 1/ of this please?

Thank you!

Jodi Emerson
State Representative
91st District

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Monday, February 10, 2020 12:05 PM
To: Rep.Emerson <Rep.Emerson@legis.wisconsin.gov>
Subject: Draft review: LRB -5663/P1

Following is the PDF version of draft LRB -5663/P1.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5663/P1
EAW:kjf

1

NO
Changes

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber and amend* 938.31 (3) (b); *to amend* 938.195 (title),
2 938.195 (2) (title) and 938.195 (3) (title); and *to create* 938.195 (1m) and 938.31
3 (3) (b) 1. of the statutes; **relating to:** notification of a juvenile's parent,
4 guardian, legal custodian, or Indian custodian prior to a custodial interrogation
5 of the juvenile.

Analysis by the Legislative Reference Bureau

This bill requires a law enforcement agency, prior to conducting a custodial interrogation of a juvenile, to provide notice of its intent to conduct the interrogation to the juvenile's parent, guardian, legal custodian, or Indian custodian and prohibits a law enforcement officer or agent of a law enforcement agency from commencing a custodial interrogation of a juvenile until the juvenile's parent, guardian, legal custodian, or Indian custodian has received that notice. The bill also provides that a statement made by the juvenile during a custodial interrogation is not admissible in evidence against the juvenile in any court proceeding alleging the juvenile to be delinquent unless the juvenile's parent, guardian, legal custodian, or Indian custodian received prior notice of the law enforcement agency's intent to conduct the custodial interrogation.

1 2. An audio or audio and visual recording of the interrogation was made as
2 required under s. 938.195 (2) and is available.

3 **SECTION 6.** 938.31 (3) (b) 1. of the statutes is created to read:

4 938.31 (3) (b) 1. Prior to the custodial interrogation, the juvenile's parent,
5 guardian, legal custodian, or Indian custodian received notice of the law enforcement
6 agency's intent to conduct the custodial interrogation as required under s. 938.195
7 (1m).

8 **SECTION 7. Initial applicability.**

9 (1) NOTIFICATION OF CUSTODIAL INTERROGATIONS OF JUVENILES. This act first
10 applies to a custodial interrogation, as defined in s. 968.073 (1) (a), of a juvenile
11 conducted on the effective date of this subsection.

12

(END)

Walker, Dan

From: Miller, Crystal
Sent: Thursday, February 13, 2020 9:24 AM
To: LRB.Legal
Subject: Draft Review: LRB -5663/1

Please Jacket LRB -5663/1 for the ASSEMBLY.
Thank you

Jodi Emerson
State Representative
91st District