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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2021 Assembly Bill 199**

**Assembly Amendment 1**

### 2021 ASSEMBLY BILL 199

2021 Assembly Bill 199 specifies that **juvenile proceedings** may be conducted by telephone or live audiovisual means if available, unless good cause to the contrary is shown, and that any action taken by the court or any party during a proceeding conducted by such means has the same effect as if made in open court.

The bill also expands the circumstances in which telephone or audiovisual means may be used in **criminal proceedings**, by allowing a court to permit any criminal proceeding to be conducted by such means upon the request of either party, unless good cause to the contrary is shown. Like the provisions related to juvenile proceedings, the bill specifies that any action taken by the court or a party in a criminal proceeding conducted by telephone or live audiovisual means has the same effect as if made in open court.

### ASSEMBLY AMENDMENT 1

Assembly Amendment 1 clarifies that, for **juvenile proceedings**, the court may conduct any hearing by telephone or live audiovisual means upon its own motion, or the motion of the juvenile or the prosecutor. However, if the juvenile or prosecutor objects to the use of telephone or live audiovisual means for a critical stage of the proceedings, the court must sustain the objection. For all other objections to the use of telephone or live audiovisual means, the court must consider certain current-law factors related to the use of videoconferencing technology when determining whether to sustain or overrule the objection.

Similarly, with respect to **criminal proceedings**, the amendment authorizes a court to permit any criminal proceeding to be conducted by telephone or live audiovisual means if both parties consent to do so. Specifically, the amendment allows a court to conduct proceedings by telephone or live audiovisual means, if available, upon its own motion or the motion of any party, but requires a court to sustain any objection to the use of telephone or live audiovisual means for a critical stage of the proceedings. For any other objections to the use of telephone or live audiovisual means, the court must consider certain current-law factors related to the use of videoconferencing technology when determining whether to sustain or overrule the objection.

### BILL HISTORY

Representative Thiesfeldt offered Assembly Amendment 1 on August 24, 2021. On September 8, 2021, the Assembly Committee on Criminal Justice and Public Safety recommended adoption of the amendment, and passage of the bill, as amended, on a vote of Ayes, 14; Noes, 0.

TK:jal