

State of Wisconsin



2023 Senate Bill 789

Date of enactment: **March 29, 2024**

Date of publication*: **March 30, 2024**

2023 WISCONSIN ACT 253

AN ACT *to create* 19.35 (3) (h) of the statutes; **relating to:** fees for redacting certain records of law enforcement agencies and providing a penalty.

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

SECTION 1. 19.35 (3) (h) of the statutes is created to read:

19.35 (3) (h) 1. In this paragraph, "law enforcement agency" has the meaning given in s. 19.36 (8) (a) 2.

2. Subject to subds. 3. to 7., an authority that is a law enforcement agency may impose a fee upon a requester for the actual, necessary, and direct cost of redacting, whether by pixelization or other means, recorded audio or video content to the extent redaction is necessary to comply with applicable constitutional, statutory, or common law.

3. An authority may not impose the fee under subd. 2. with respect to a request for records containing audio or video content for which all of the following apply:

a. If the requester is an individual, the requester provides written certification to the authority that the requester will not use the audio or video content for financial gain, not including an award of damages in a civil action. Any individual providing a false certification under this subd. 3. a. shall be subject to a forfeiture of \$10,000 for each violation.

b. During the calendar year in which the authority receives the request, the same requester has not made

more than 10 requests to the authority for records containing audio or video content, including the current request but excluding any request subject to subd. 4. or 5.

4. An authority may not impose the fee under subd. 2. with respect to a request for records containing audio or video content if the requester is an individual directly involved in the event to which the requested records relate, that individual's attorney or other authorized representative, or that individual's parent or guardian if the individual is under the age of 18.

5. An authority may not impose the fee under subd. 2. with respect to a request for records containing audio or video content if the event to which the requested records relate is a shooting involving an officer of a law enforcement agency.

6. In calculating the fee imposed under subd. 2., the rate for an actual, necessary, and direct charge for staff time spent redacting shall be based on the pay rate of the authority's lowest paid employee capable of performing the task.

7. An authority may not impose the fee under subd. 2. with respect to a request for records containing audio or video content unless prior to fulfilling the request the authority provides to the requester in writing an estimate of the amount of the fee to be charged.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."