



**ASSEMBLY AMENDMENT 1,  
TO 2003 ASSEMBLY BILL 709**

February 3, 2004 – Offered by Representative ALBERS.

1           At the locations indicated, amend the bill as follows:

2           **1.** Page 6, line 18: after that line insert:

3           “**SECTION 13d.** 938.396 (5) (b) of the statutes is amended to read:

4           938.396 (5) (b) ~~The~~ If the petitioner is seeking access to a record under sub. (1),  
5           (1b), (1d), (1g), (1m) (c) or (d), (1r), or (1t), the court shall notify the juvenile, the  
6           juvenile’s counsel, the juvenile’s parents, and appropriate law enforcement agencies  
7           in writing of the petition. If any person notified objects to the disclosure, the court  
8           may hold a hearing to take evidence relating to the petitioner’s need for the  
9           disclosure.

10           **SECTION 13e.** 938.396 (5) (bm) of the statutes is created to read:

11           938.396 (5) (bm) If the petitioner is seeking access to a record under sub. (1m)  
12           (a), (am), (ar), or (b), the court shall, without notice or hearing, make the inspection  
13           and determinations specified in par. (c) and, if the court determines that disclosure

1 is warranted, shall order disclosure under par. (d). The petitioner shall provide a  
2 copy of the disclosure order to the law enforcement agency that denied access to the  
3 record, the juvenile, the juvenile’s counsel, and the juvenile’s parents. Any of those  
4 persons may obtain a hearing on the court’s determinations by filing a motion to set  
5 aside the disclosure order within 10 days after receipt of the order. If no motion is  
6 filed within those 10 days or if, after hearing, the court determines that no good cause  
7 has been shown for setting aside the order, the law enforcement agency shall disclose  
8 the juvenile’s record as ordered.

9 **SECTION 13g.** 938.396 (5) (c) 3. of the statutes is created to read:

10 938.396 (5) (c) 3. If the petitioner is a person who was denied access to a record  
11 under sub. (1m) (a), (am), (ar), or (b), the petitioner’s legitimate educational  
12 interests, including safety interests, in the information against society’s interest in  
13 protecting its confidentiality.”.

14 **2.** Page 7, line 3: after that line insert:

15 “(2f) DISCLOSURE OF LAW ENFORCEMENT RECORDS. The treatment of section  
16 938.396 (5) (b), (bm), and (c) 3. of the statutes first applies to a law enforcement record  
17 to which access is denied on the effective date of this subsection.”.

18 (END)