



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa0501/1
PJH:jld:ph

**ASSEMBLY AMENDMENT 3,
TO 2009 ASSEMBLY BILL 171**

June 3, 2009 – Offered by Representatives KESSLER and KRAMER.

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

2 **1.** Page 2, line 4: after “capacity” insert “and pursuant to a warrant issued
under s. 968.365,”.

3 **2.** Page 2, line 6: after that line insert:

4 “SECTION 1m. 968.355 of the statutes is created to read:

5 **968.355 Application for an order for global positioning device.** (1) The
6 attorney general or a district attorney may make application for an order or an
7 extension of an order under s. 968.365 authorizing or approving the installation and
8 use of a global positioning device, in writing under oath or equivalent affirmation,
9 to a circuit court for the county where the device is to be located.

10 **(2)** An application under sub. (1) shall include all of the following:

11 (a) The identity of the person making the application and the identity of the law
12 enforcement agency conducting the investigation.

1 (b) A full and complete statement of the facts and circumstances relied upon
2 by the applicant, to justify the applicant's belief that an order should be issued or
3 extended, including:

4 1. Details of the particular offense that the applicant has probable cause to
5 believe has been, is being, or is about to be committed by the person who owns the
6 vehicle to which the global positioning device is to be attached.

7 2. A certification by the applicant that the information likely to be obtained is
8 relevant to the ongoing criminal investigation being conducted by that agency.

9 **SECTION 1r.** 968.365 of the statutes is created to read:

10 **968.365 Issuance of an order for a global positioning device.** (1) Upon
11 an application made under s. 968.355, the court shall enter an ex parte order
12 authorizing the installation and use of a global positioning device within the
13 jurisdiction of the court if the court finds that the applicant has proved to the court
14 that there is probable cause to believe that the person who owns the vehicle to which
15 the global positioning device is to be attached has, is, or will commit an offense and
16 that the applicant has certified to the court that the information likely to be obtained
17 by the installation and use is relevant to an ongoing criminal investigation.

18 (2) An order issued under this section shall do all of the following:

19 (a) Specify the identity, if known, of the person who owns the vehicle to which
20 the global positioning device is to be attached.

21 (b) Specify the identity, if known, of the person who is the subject of the criminal
22 investigation.

23 (c) Specify, if known, the registration plate numbers and the color, make, model,
24 and year of any motor vehicle to which the global positioning device is to be attached.

