



State of Wisconsin  
2025 - 2026 LEGISLATURE

LRBs0027/1

MJW:skw

ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 191

April 29, 2025 - Offered by Representative GOEBEN.

1     **AN ACT** *to amend* 972.11 (1); *to create* 971.23 (12) and 972.11 (5) of the  
2             statutes; **relating to:** requiring a subpoena to certain officials to be served at  
3             the official's work address.

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***Analysis by the Legislative Reference Bureau***

Under current law, a person may generally serve a subpoena by exhibiting and reading it to the witness, by giving the witness a copy of the subpoena, or by leaving a copy of the subpoena at the witness's home. This bill modifies the procedure with respect to a peace officer, public officer, or public employee who will be caused to testify about actions taken in an official capacity. Under the bill, if such a subpoena cannot be served to the peace officer, public officer, or public employee personally, a copy of it may not be left at the person's home but rather must be left at the person's usual place of employment.

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

4             **SECTION 1.** 971.23 (12) of the statutes is created to read:

1           971.23 (12) DEFINITIONS. In this section:

2           (a) 1. Subject to subds. 2. and 3., “address” means an individual’s residential  
3 street address.

4           2. If the individual under subd. 1. is a witness who is a peace officer, public  
5 officer, or public employee whose testimony will be regarding events or actions  
6 taken in the individual’s official capacity or within the scope of the individual’s  
7 employment, “address” means the street address of the individual’s employer.

8           3. If the individual under subd. 1. is a witness who is a participant in the  
9 address confidentiality program under s. 165.68, “address” means the assigned  
10 address designated for the individual by the department of justice.

11           (b) “Peace officer” has the meaning given in s. 939.22 (22).

12           (c) “Public officer” and “public employee” have the meaning given in s. 939.22  
13 (30).

14           **SECTION 2.** 972.11 (1) of the statutes is amended to read:

15           972.11 (1) Except as provided in subs. (2) to ~~(4)~~ (5), the rules of evidence and  
16 practice in civil actions shall be applicable in all criminal proceedings unless the  
17 context of a section or rule manifestly requires a different construction. No  
18 guardian ad litem need be appointed for a defendant in a criminal action. Chapters  
19 885 to 895 and 995, except ss. 804.02 to 804.07 and 887.23 to 887.26, shall apply in  
20 all criminal proceedings.

21           **SECTION 3.** 972.11 (5) of the statutes is created to read:

22           972.11 (5) (a) In this subsection:

23           1. “Peace officer” has the meaning given in s. 939.22 (22).

## SECTION 3

2. “Public officer” and “public employee” have the meaning given in s. 939.22 (30).

(b) Any subpoena shall be served in the manner provided in s. 805.07 (5). Notwithstanding substituted personal service as provided in ss. 801.11 and 885.03, a subpoena may not be served by leaving a copy of the subpoena at a witness's abode when the witness is a peace officer, public officer, or public employee whose testimony will be regarding events or actions taken in the individual's official capacity or within the scope of the individual's employment. If with reasonable diligence a witness who is a peace officer, public officer, or public employee cannot be personally served a subpoena, a copy of the subpoena may be left at the witness's usual place of employment.

**(END)**