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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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**2007 Senate Bill 214**

**Senate Amendments 1 and 2**

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*Contact: Jessica L. Karls, Staff Attorney (266-2230)*

*Current law* provides that records of any library supported in whole or in part by public funds, including the records of a public library system, which indicate the identity of any individual who borrows or uses the library's documents or other materials, resources, or services may not be disclosed except by court order or to persons acting within the scope of their duties in the administration of the library or library system, to persons authorized by the individual to inspect such records, to custodial parents or guardians of children under the age of 16, or to libraries for the purpose of borrowing materials for the individual. [s. 43.30 (1m) and (2) (intro.), Stats.] The Attorney General, in a letter to the State Superintendent of Public Instruction, dated November 27, 2006, opined that library surveillance tapes are library records protected by s. 43.30, Stats., and that library officials generally may not disclose the surveillance tapes to law enforcement or others without a court order.

**2007 Senate Bill 214** requires that upon the request of a law enforcement officer who is investigating criminal conduct alleged to have occurred at a public library, the library must disclose to the officer all records produced by a surveillance device under the library's control.

Senate Amendment 1 limits the required disclosure of records produced by a surveillance device to those records pertinent to the alleged criminal conduct.

Senate Amendment 2 adds a new provision to the bill that is triggered when a library requests the assistance of a law enforcement officer. Under the amendment, if a library requests the assistance of a law enforcement officer and the library director determines that records produced by a surveillance device under the library's control may assist the officer to render the requested assistance, the library may disclose the records to the officer.

### Legislative History

Senate Amendment 1 was offered by Senator Ellis, and Senate Amendment 2 was offered by Senator Carpenter. On September 19, 2007, the Senate Committee on Public Health, Senior Issues, Long-Term Care and Privacy recommended adoption of both amendments on votes of Ayes, 5; Noes, 0. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 5; Noes, 0.

JK:jal