
Wisconsin Legislative Council

AMENDMENT MEMO



Memo published: May 9, 2025

Contact: Amber Otis, Senior Staff Attorney

2025 Senate Bill 191

Senate Substitute Amendment 1

2025 SENATE BILL 191

Under current law, a subpoena may be served by any person by exhibiting and reading it to the witness, giving the witness a copy of the subpoena, or leaving a copy of the subpoena at the witness's abode.

2025 Senate Bill 191 requires that a subpoena to be served upon a law enforcement officer¹ or a tribal law enforcement officer² may be served only at the officer's work address. The bill further specifies that such subpoenas may be served by exhibiting and reading it to the officer, by giving the officer a copy of the subpoena, or by leaving a copy of the subpoena at the officer's work address.

SENATE SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 generally maintains the bill's requirements and also expands the scope of individuals to whom the bill applies, clarifies the nature of the subpoenaed testimony that invokes the bill's requirements, and specifies the meaning of a witness's "address" for purposes of required disclosure among the parties in a criminal proceeding.

Service of Subpoenas

Under the substitute amendment, a law enforcement officer, tribal law enforcement officer, public officer, or public employee may be served only at the individual's work address if the subpoenaed testimony will be regarding events or actions taken in the individual's official capacity or within the scope of the individual's employment as a law enforcement officer, tribal law enforcement officer, public officer, or public employee.³

¹ The bill defines a "law enforcement officer" as "any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed and sworn to enforce" and uses a current law definition that also includes Marquette University police officers. [s. 165.85 (2) (c), Stats.]

² Under the bill, a "tribal law enforcement officer" is either: (a) "a person who is employed by a tribe for the purpose of detecting and preventing crime and enforcing the tribe's laws or ordinances, who is authorized by the tribe to make arrests of Indian persons for violations of the tribe's laws or ordinances, and who agrees to accept the duties of law enforcement officers under the laws of this state"; or (b) "a conservation warden employed by the Great Lakes Indian Fish and Wildlife Commission who agrees to accept the duties of law enforcement officers under the laws of this state." [s. 165.85 (2) (g), Stats.]

³ In the substitute amendment, a "public officer" means "any person appointed or elected according to law to discharge a public duty for the state or one of its subordinate governmental units." A "public employee" means "any person, not an officer, who performs any official function on behalf of the state or one of its subordinate governmental units and who is paid from the public treasury of the state or subordinate governmental unit." [s. 939.22 (30), Stats.]

As under the bill, the subpoena may be served by exhibiting and reading it to the individual, giving the individual a copy of the subpoena, or by leaving a copy at the individual's work address. The substitute amendment clarifies that, when applicable, these provisions override the default provisions in current law governing service of subpoenas and substituted personal service in civil and criminal proceedings.

Address on Witness Lists

The substitute amendment also defines the term “address” for purposes of a current law requirement that the district attorney and the defendant disclose a list of all witnesses intended to be called at trial, along with the witnesses' addresses. Under the substitute amendment, the term “address” generally means “an individual's residential street address.” However, the term “address” is defined differently for certain types of witnesses, as follows:

- If the witness is a law enforcement officer, tribal law enforcement 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, the term “address” means the street address of the individual's employer.
- If the witness is a participant in the address confidentiality program currently administered by the Wisconsin Department of Justice (DOJ) under s. 165.68, Stats., the term “address” means the assigned address that the DOJ has designated for that individual under that program.

BILL HISTORY

Senator James offered Senate Substitute Amendment 1 on May 5, 2025. On May 8, 2025, the Senate Committee on Judiciary and Public Safety recommended adoption of the amendment on votes of Ayes, 7; Noes, 1; and recommended passage of Senate Bill 191, as amended, on votes of Ayes, 7; Noes, 1.

For a full history of the bill, visit the Legislature's [bill history page](#).

AO:jal