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LRB-1897/1 JEO:jlg:ijs

1999 ASSEMBLY BILL 328

May 6, 1999 – Introduced by Representatives RILEY, STONE, KLUSMAN, GROTHMAN, ALBERS, GOETSCH and POWERS, cosponsored by Senators Burke, Roessler, Huelsman and Panzer. Referred to Committee on Corrections and the Courts.

AN ACT to repeal 970.03 (12) (c) 2.; and to renumber and amend 970.03 (12)

(c) 1. of the statutes; **relating to:** admitting certain police identification reports at preliminary examinations.

Analysis by the Legislative Reference Bureau

Under current law, a report of one of the state crime laboratories, the state laboratory of hygiene, a federal bureau of investigation laboratory, a hospital laboratory or a local health department must be admitted as evidence, if relevant, at a preliminary examination in a criminal action if the report is certified as correct by the applicable agency or unit head or his or her designee. The expert who made the findings in the report does not need to be called as a witness.

There is a different procedure, however, for latent fingerprint reports by the Milwaukee city police latent fingerprint identification unit. A latent fingerprint report must be received at the preliminary examination only if the state provides the defendant's attorney with a copy of the report at least 72 hours before the preliminary examination. Further, if the defendant so requests in a timely manner, the state must call the expert who prepared the report in order to have the report admitted.

This bill makes the procedure for admitting a latent fingerprint report by the Milwaukee city police latent fingerprint identification unit the same as the procedure for admitting reports from crime, hospital and health laboratories. Thus, under the bill, a latent fingerprint report by the Milwaukee city police latent fingerprint identification unit must be admitted in evidence, if relevant, at a

ASSEMBLY BILL 328

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preliminary examination in a criminal action if the report is certified as correct by the chief of police or his or her designee. The expert who made the findings in the report does not need to be called as a witness in order to have the report admitted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 970.03 (12) (c) 1. of the statutes is renumbered 970.03 (12) (c) and amended to read:

970.03 (12) (c) Except as provided in subd. 2., at At any preliminary examination in Milwaukee county, a latent fingerprint report of the city of Milwaukee police department bureau of identification division's latent fingerprint identification unit, certified as correct by the police chief or a person designated by the police chief, shall, when offered by the state or the accused, be received as evidence of the facts and findings stated, if relevant. The expert who made the findings need not be called as a witness except as provided in subd. 2.

SECTION 2. 970.03 (12) (c) 2. of the statutes is repealed.

SECTION 3. Initial applicability.

(1) This act first applies to preliminary examinations commencing on the effective date of this subsection.

14 (END)