



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBa0545/1
MLJ&EHS:kjf

**SENATE AMENDMENT 1,
TO SENATE BILL 219**

June 1, 2021 - Offered by Senator JACQUE.

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

2 **1.** Page 2, line 1: before that line insert:

3 “**SECTION 1d.** 938.295 (4) of the statutes is amended to read:

4 938.295 (4) TELEPHONE OR LIVE AUDIOVISUAL PROCEEDING. Motions or objections
5 under this section may be heard under s. ~~807.13~~ 938.299 (5).

6 **SECTION 1h.** 938.299 (5) of the statutes is renumbered 938.299 (5) (a) and
7 amended to read:

8 938.299 (5) (a) ~~On request of any party, unless good cause to the contrary is~~
9 ~~shown, The court may, upon the motion of the juvenile or the prosecutor or upon its~~
10 ~~own motion, conduct any hearing under s. ~~938.209 (1) (a) 5. or 938.21 (1)~~ may be held~~
11 ~~this chapter on the record by telephone or live audiovisual means or testimony may~~
12 ~~be received by telephone or live audiovisual means under s. 807.13 (2). The request~~
13 ~~and the showing of good cause for not conducting the hearing or admitting testimony~~

1 ~~by telephone or live audiovisual means may be made by telephone, if available. If~~
2 ~~the proceeding is required to be reported under SCR 71.01 (2), the proceeding shall~~
3 ~~be reported by a court reporter who is in simultaneous voice communication with all~~
4 ~~parties to the proceeding. Regardless of the physical location of any party to a~~
5 ~~proceeding conducted by telephone or live audiovisual means, any plea, waiver,~~
6 ~~stipulation, motion, objection, decision, order, or other action taken by the court or~~
7 ~~any party shall have the same effect as if made in open court. Simultaneous access~~
8 ~~to the proceeding shall be provided to persons entitled to attend by means of a~~
9 ~~loudspeaker, live audiovisual means, or, upon request to the court, by allowing a~~
10 ~~person entitled to attend to listen to or view the proceedings without charge.~~

11 **SECTION 1p.** 938.299 (5) (b) of the statutes is created to read:

12 938.299 (5) (b) If the juvenile or the prosecutor objects to the use of telephone
13 or live audiovisual means for a critical stage of the proceedings, the court shall
14 sustain the objection. For all other such objections, the court shall consider the
15 factors outlined in s. 885.56 in determining whether to sustain or overrule the
16 objection.”.

17 **2.** Page 2, line 2: delete “The” and substitute “The Subject to s. 938.299 (5),
18 the”.

19 **3.** Page 2, line 18: after that line insert:

20 “**SECTION 2m.** 938.335 (4) of the statutes is repealed.”.

21 **4.** Page 3, line 3: delete the material beginning with that line and ending with
22 page 4, line 5, and substitute:

23 “967.08 (1) ~~Unless good cause to the contrary is shown, proceedings referred~~
24 ~~to in this section may be conducted~~ The court may, upon the motion of any party or

1 upon its own motion, conduct proceedings referred to in this section by telephone or
2 live audiovisual means, if available. A party may petition the court to conduct a
3 proceeding by telephone or live audiovisual means. If the proceeding is required to
4 be reported under SCR 71.01 (2), the proceeding shall be reported by a court reporter
5 who is in simultaneous voice communication with all parties to the proceeding.
6 Regardless of the physical location of any party to ~~the call~~ a proceeding conducted by
7 telephone or live audiovisual means, any plea, waiver, stipulation, motion, objection,
8 decision, order or other action taken by the court or any party shall have the same
9 effect as if made in open court. With the exceptions of scheduling conferences,
10 pretrial conferences, and, during hours the court is not in session, setting, review,
11 modification of bail and other conditions of release under ch. 969, the proceeding
12 shall be conducted in a courtroom or other place reasonably accessible to the public.
13 Simultaneous access to the proceeding shall be provided to persons entitled to attend
14 by means of a loudspeaker, live audiovisual means, or, upon request to the court, by
15 making allowing a person party entitled to attend to the telephone call listen to or
16 view the proceedings without charge.

17 **SECTION 6m.** 967.08 (2) (intro.) of the statutes is renumbered 967.08 (2) and
18 amended to read:

19 967.08 (2) The court may permit ~~the following proceedings to be conducted~~
20 ~~under sub. (1) on the request of either party. The request and the opposing party's~~
21 ~~showing of good cause for not conducting the proceeding under sub. (1) may be made~~
22 ~~by telephone~~ any criminal proceeding under chs. 968 to 973 to be conducted by
23 telephone or live audiovisual means if both parties consent to do so.

24 **SECTION 7m.** 967.08 (2) (a) to (d) of the statutes are repealed.”.

