
Wisconsin Legislative Council

AMENDMENT MEMO



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2023 Assembly Bill 960

Assembly Amendments 1 and 2

2023 ASSEMBLY BILL 960

Under current law, a provider of a wireless communications service may provide law enforcement with information regarding the location of a wireless communication device if the provider is served with a warrant for the information, if the customer or subscriber to the service consents, or if the provider believes, in good faith, that an emergency involving the danger of death or serious physical injury to any person exists and that disclosure of the location is relevant to preventing the death or injury or to mitigating the injury.

Under the bill, a provider of a wireless communications service must provide law enforcement with information regarding the location of a device if the provider receives a written request from a law enforcement agency stating that the information is needed to allow a law enforcement agency to respond to a call for emergency services or to an emergency involving the danger of death or serious physical injury to any person, and that disclosure of the location is relevant to preventing the death or injury or to mitigating the injury.

The bill also requires each provider of wireless communication services that does business in the state to submit contact information to the Department of Justice (DOJ) annually, and requires DOJ to maintain a list of providers and distribute the list to law enforcement agencies. The bill also confers certain immunity from civil or criminal liability for a provider of wireless communication services that provides the information to a law enforcement agency.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 changes the language in the bill so that a law enforcement agency must submit a written request “attesting,” rather than “stating,” that the disclosure of the device location is needed in an emergency situation.

ASSEMBLY AMENDMENT 2

Under Assembly Amendment 2, if a provider of a wireless communication service provides location information to a law enforcement agency pursuant to an emergency request, the provider must inform its customer or subscriber of the disclosure within 30 days after the request, or after the emergency situation is resolved, whichever occurs later.

Additionally, if a law enforcement agency that requested an emergency disclosure obtains evidence of criminal activity as a result of receiving location information from a wireless communication service provider, the amendment requires the agency to apply, within three days of the disclosure, to a judge for an order that retroactively authorizes the emergency disclosure. Under the amendment, if the judge determines that the disclosure was not authorized, he or she must issue an order suppressing the discovered evidence in any criminal proceeding and requiring notification of the disclosure to the customer or subscriber of the wireless communication service.

BILL HISTORY

Assembly Amendment 1 was introduced on January 23, 2024 by Representative Kitchens. On February 1, 2024, the Assembly Committee on Criminal Justice and Public Safety voted to recommend adoption of the amendment on a vote of Ayes, 15; Noes, 0, and to recommend passage of the bill on a vote of Ayes, 10; Noes, 5.

Assembly Amendment 2 was introduced on February 19, 2024 by Representative Kitchens. On February 22, 2024, the Assembly voted to adopt the amendment and pass the bill.

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

PJH:jal