



## 2007 ASSEMBLY BILL 14

January 12, 2007 - Introduced by Representative SCHNEIDER. Referred to Committee on Judiciary and Ethics.

1     **AN ACT to renumber** 910.01 (1) and 910.01 (4); **to renumber and amend** 910.01  
2           (2); **to amend** subchapter III (title) of chapter 946 [precedes 946.31]; and **to**  
3     **create** 910.01 (1g), 910.025 and 946.33 of the statutes; **relating to:**  
4     admissibility of digitally produced photograph, film, motion picture, audio, or  
5     video.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, if properly authenticated as being a true representation of the image in the photograph or motion picture, an original of a photograph or motion picture may be admitted in evidence to prove the content of the photograph or motion picture. This bill allows the introduction of a digital representation of a photograph, film, motion picture, audio, or video for purposes of proving the content of that digital representation only if that content has not been altered and is in a format that includes bits representing a watermark scattered within the file in such a way that they cannot be identified or manipulated and that shows that the digital representation has not be altered from its original representation. Digital representation, as defined in the bill, means any recording or image of a person, place, document, sound, or event that is created or stored by data in the form of numerical digits.

The bill creates a misdemeanor for requesting the admission into evidence of a digital representation to prove the contents of that representation if the person knew those contents had been altered.

**ASSEMBLY BILL 14**

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

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

1           **SECTION 1.** 910.01 (1) of the statutes is renumbered 910.01 (5m).

2           **SECTION 2.** 910.01 (1g) of the statutes is created to read:

3           910.01 (**1g**) DIGITAL REPRESENTATION. “Digital representation” means any  
4 recording or image of a person, place, document, sound, or event that is created or  
5 stored by data in the form of numerical digits.

6           **SECTION 3.** 910.01 (2) of the statutes is renumbered 910.01 (4m) and amended  
7 to read:

8           910.01 (**4m**) PHOTOGRAPHS. “Photographs” include still photographs, X-ray  
9 films, and motion pictures, and digital representations.

10          **SECTION 4.** 910.01 (4) of the statutes is renumbered 910.01 (2m).

11          **SECTION 5.** 910.025 of the statutes is created to read:

12          **910.025 Admissibility of a digital representation.** In any action, a digital  
13 representation in the form of a photograph, film, motion picture, audio, or video is  
14 admissible for purposes of proving the content of that digital representation only if  
15 that content has not been altered and is in a format that includes bits representing  
16 a watermark that are scattered throughout the file in such a way that they cannot  
17 be identified or manipulated and that shows that the digital representation has not  
18 been altered from its original representation.

