



2023 SENATE BILL 119

March 8, 2023 - Introduced by Senators WANGGAARD, WIRCH, COWLES, FELZKOWSKI, JAMES, MARKLEIN and SPREITZER, cosponsored by Representatives NEDWESKI, MCGUIRE, OHNSTAD, C. ANDERSON, J. ANDERSON, CONSIDINE, DITTRICH, DONOVAN, EDMING, EMERSON, JOERS, KITCHENS, MURPHY, MURSAU, ORTIZ-VELEZ, RETTINGER, SINICKI, SPIROS, STUBBS, SUBECK and TUSLER. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to amend** 19.36 (8) (b) and 59.20 (3) (a) of the statutes; **relating to:** public
2 records identifying confidential law enforcement informants.

Analysis by the Legislative Reference Bureau

Current law prohibits a law enforcement agency from disclosing records or parts of records in response to a public records request that, if disclosed, would identify a confidential informant of a law enforcement agency. Current law provides an exception to that nondisclosure requirement if the records custodian determines that the public interest in disclosing the record outweighs the harm done to the public interest by providing access to the record.

This bill extends that nondisclosure requirement concerning the personally identifiable information of confidential law enforcement informants to records or parts of records maintained by any official or body subject to the public records law, not just law enforcement agencies.

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

3 **SECTION 1.** 19.36 (8) (b) of the statutes is amended to read:
4 19.36 (8) (b) If an authority ~~that is a law enforcement agency~~ receives a request
5 to inspect or copy a record or portion of a record under s. 19.35 (1) (a) that contains

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1 specific information including but not limited to a name, address, telephone number,
2 voice recording, or handwriting sample ~~which~~ that, if disclosed, would identify an
3 informant, the authority shall delete the portion of the record in which the
4 information is contained or, if no portion of the record can be inspected or copied
5 without identifying the informant, shall withhold the record unless the legal
6 custodian of the record, designated under s. 19.33, makes a determination, at the
7 time that the request is made, that the public interest in allowing a person to inspect,
8 copy or receive a copy of such identifying information outweighs the harm done to the
9 public interest by providing such access.

10 **SECTION 2.** 59.20 (3) (a) of the statutes is amended to read:

11 59.20 (3) (a) Every sheriff, clerk of the circuit court, register of deeds, treasurer,
12 comptroller, register of probate, clerk, and county surveyor shall keep his or her office
13 at the county seat in the offices provided by the county or by special provision of law;
14 or if there is none, then at such place as the board directs. The board may also require
15 any elective or appointive county official to keep his or her office at the county seat
16 in an office to be provided by the county. All such officers shall keep their offices open
17 during the usual business hours of any day except Sunday, as the board directs. With
18 proper care, the officers shall open to the examination of any person all books and
19 papers required to be kept in his or her office and permit any person so examining
20 to take notes and copies of such books, records, papers, or minutes therefrom except
21 as authorized in par. (c) and ss. 19.36 (8), (10), and (11) and 19.59 (3) (d) or under ch.
22 69.

23 **SECTION 3. Initial applicability.**

