

State of Wisconsin



2021 Assembly Bill 1024

Date of enactment: April 8, 2022
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2021 WISCONSIN ACT 242

AN ACT to amend 165.84 (1) and 227.48 (1) of the statutes; relating to: removal of fingerprint records of individuals arrested or taken into custody and subsequently released without charge or cleared of the offense and service by electronic mail of decisions by the Division of Hearings and Appeals (suggested as remedial legislation by the Department of Justice).

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Justice and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 165.84 (1) of the statutes is amended to read:

165.84 (1) All persons in charge of law enforcement and tribal law enforcement agencies shall obtain, or cause to be obtained, the fingerprints in duplicate, according to the fingerprint system of identification established by the director of the F.B.I., full face, profile and full length photographs, and other available identifying data, of each person arrested or taken into custody for an offense of a type designated in s. 165.83 (2) (a), of all persons arrested or taken into custody as fugitives from justice, and fingerprints in duplicate and other identifying data of all unidentified human corpses in their jurisdictions, but photographs need not be taken if it is known that photographs of the type listed, taken within the previous year, are on file at the department. Fingerprints and other iden-

tifying data of persons arrested or taken into custody for offenses other than those designated in s. 165.83 (2) (a) may be taken at the discretion of the law enforcement or tribal law enforcement agency concerned. Any person arrested or taken into custody and subsequently released without charge, or cleared of the offense through court proceedings, shall have any fingerprint record taken in connection therewith ~~returned~~ removed from the department's records upon request.

NOTE: This SECTION requires the Department of Justice to delete certain fingerprint images from its records instead of returning fingerprint cards to persons who are released from custody without charge or cleared of the offense for which the fingerprints were taken; the change reflects the transition from the use of fingerprint cards to the use of electronic images.

SECTION 2. 227.48 (1) of the statutes is amended to read:

227.48 (1) Except as provided in s. 196.40, every decision when made, signed and filed, shall be served forthwith by personal delivery or by mailing of or, with the consent of the parties, by electronically mailing a copy to each party to the proceedings or to the party's attorney of record.

NOTE: This SECTION allows the Division of Hearings and Appeals to serve a copy of its decisions by personal delivery, mailing, or electronic mailing to each party to the proceedings.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."