

State of Misconsin 2019 - 2020 LEGISLATURE

LRB-0092/1 MLJ:klm

## 2019 ASSEMBLY BILL 408

September 5, 2019 – Introduced by Representatives HEBL, ANDERSON, CROWLEY, EMERSON, KOLSTE, OHNSTAD, POPE, SINICKI, SPREITZER, SUBECK, C. TAYLOR, VRUWINK and BROSTOFF, cosponsored by Senators RINGHAND and MILLER. Referred to Committee on Judiciary.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1 AN ACT to amend 757.54 (1); and to create 757.54 (3) of the statutes; relating

 $\mathbf{2}$ 

to: prohibiting destruction of records and evidence.

### Analysis by the Legislative Reference Bureau

This bill prohibits a circuit, municipal, or appeals court judge or a supreme court justice for whom a motion for recusal or for judicial substitution has been filed in an action or proceeding from ordering the destruction of evidence or court records of the action or proceeding.

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

- **SECTION 1.** 757.54 (1) of the statutes is amended to read:
- 4 757.54 (1) Except as provided in sub. subs. (2) and (3), the retention and
- 5 disposal of all court records and exhibits in any civil or criminal action or proceeding
- 6 or probate proceeding of any nature in a court of record shall be determined by the
- 7 supreme court by rule.
- 8 **SECTION 2.** 757.54 (3) of the statutes is created to read:

2019 – 2020 Legislature

### **ASSEMBLY BILL 408**

1	757.54 (3) (a) In this subsection, "judge" has the meaning given in s. $757.19$ (1).
2	(b) No judge presiding in an action or proceeding for whom a motion for recusal
3	or a request for judicial substitution has been filed by a party to the action or
4	proceeding may do any of the following:
5	1. Order the destruction of evidence gathered for or offered in the action or
6	proceeding.
7	2. Order the destruction of court records of or exhibits prepared for the action
8	or proceeding, including copies of the records or exhibits.

9

#### (END)