



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0318/1
MLJ:wlj

2021 ASSEMBLY BILL 84

February 18, 2021 - Introduced by Representatives GUNDRUM, RAMTHUN, BROOKS, ROZAR and SKOWRONSKI, cosponsored by Senators WANGGAARD and JACQUE. Referred to Committee on Judiciary.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to amend* 968.12 (3) (d) of the statutes; **relating to:** voice recordings of
2 testimony that forms the basis of an application for a search warrant.

Analysis by the Legislative Reference Bureau

Under current law, when a person places a phone call to a judge to request a search warrant, the judge must place the caller under oath to take any testimony that may form the basis of the search warrant. The testimony must be recorded either by a court reporter or by means of a voice recording device. An original voice recording must be transcribed, the transcript must be certified as accurate by the judge or court reporter, and both the certified transcript and original voice recording must be filed with the court.

This bill removes the requirement that the original recording be filed along with the certified transcript of the testimony that forms the basis of an application for a search warrant.

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

3 **SECTION 1.** 968.12 (3) (d) of the statutes is amended to read:
4 968.12 (3) (d) *Recording and certification of testimony.* When a caller informs
5 the judge that the purpose of the call is to request a warrant, the judge shall place

ASSEMBLY BILL 84**SECTION 1**

1 under oath each person whose testimony forms a basis of the application and each
2 person applying for the warrant. The judge or requesting person shall arrange for
3 all sworn testimony to be recorded either by a court reporter or by means of a voice
4 recording device. The judge shall have the record transcribed. The transcript,
5 certified as accurate by the judge or reporter, as appropriate, shall be filed with the
6 court. ~~If the testimony was recorded by means of a voice recording device, the judge~~
7 ~~shall also file the original recording with the court.~~

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(END)