

State of Wisconsin



2011 Senate Bill 399

Date of enactment: **April 12, 2012**
Date of publication*: **April 26, 2012**

2011 WISCONSIN ACT 285

AN ACT *to repeal* 908.07 and 970.03 (11); and *to create* 970.038 of the statutes; **relating to:** the admissibility of hearsay evidence at a preliminary examination.

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

- SECTION 1.** 908.07 of the statutes is repealed.
SECTION 2. 970.03 (11) of the statutes is repealed.
SECTION 3. 970.038 of the statutes is created to read:

970.038 Preliminary examination; hearsay exception. (1) Notwithstanding s. 908.02, hearsay is admissible in a preliminary examination under ss. 970.03, 970.032, and 970.035.

(2) A court may base its finding of probable cause under s. 970.03 (7) or (8), 970.032 (2), or 970.035 in whole or in part on hearsay admitted under sub. (1).

* Section 991.11, WISCONSIN STATUTES 2009–10 : 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].