

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/22/00
BILL NO. AB 614
OR
SUBJECT Art - Pracy

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-22-00
BILL NO. AB 614
OR
SUBJECT _____

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 22 Feb 2000
BILL NO. AB 614
OR
SUBJECT _____

DON Valdez

(NAME)

3800 Walnut Creek

(Street Address or Route Number)

Mansfield, TN 37603

(City and Zip Code)

Recording Industry Assoc.

(Representing) of America

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

Pete Christianson

(NAME)

15 S. Pinckney, Suite 600

(Street Address or Route Number)

MSN WI 53701-2113

(City and Zip Code)

Motion Picture Assoc.

(Representing) of America

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

Rep. Mark Peltis

(NAME)

3430 St. Rd. 70

(Street Address or Route Number)

Hertel WI 54845

(City and Zip Code)

28th Assembly District

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

Senate Committee on Judiciary and Consumer Affairs

Request for Paper Ballot Executive Action on 1999 Assembly Bill 614

Due to the difficulty of getting all of the members together in one place, the Senate Committee on Judiciary and Consumer Affairs is unable to hold an Executive Session on Assembly Bill 614 as planned. We would like to conduct a paper ballot on the bill. **Please return your ballot to Sen. George's office (Room 118 South) by noon Wednesday March 1, 2000.**

Concurrence in Assembly Bill 614:

_____ Moved (Optional -- Please check if you wish to Move Concurrence in the Bill)

_____ Seconded (Optional -- Please check if you wish to Second Concurrence in the Bill)

_____ **Aye** (In Favor of Concurrence in the Bill)

_____ **No** (Oppose Concurrence in the Bill)

Signed: Albert Darling March 1, 2000

Please return to Sen. George's Office by noon Wednesday, March 1, 2000.

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Concurrence in Assembly Bill 614:

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_____ Seconded (Optional -- Please check if you wish to Second Concurrence in the Bill)

 ✓ Aye (In Favor of Concurrence in the Bill)

_____ No (Oppose Concurrence in the Bill)

Signed: SEN. JOANNE B. HUBBSMAN (BY PHONE) March 1, 2000
RAS

Please return to Sen. George's Office by noon Wednesday, March 1, 2000.

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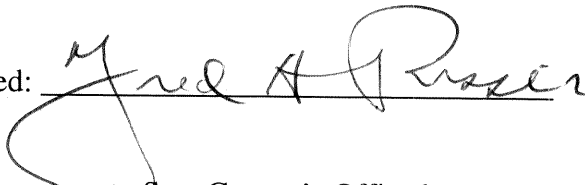
_____ Moved (Optional -- Please check if you wish to Move Concurrence in the Bill)

_____ Seconded (Optional -- Please check if you wish to Second Concurrence in the Bill)

 X Aye (In Favor of Concurrence in the Bill)

_____ No (Oppose Concurrence in the Bill)

Signed: _____



March 1, 2000

Please return to Sen. George's Office by noon Wednesday, March 1, 2000.

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_____ Moved (Optional -- Please check if you wish to Move Concurrence in the Bill)

_____ Seconded (Optional -- Please check if you wish to Second Concurrence in the Bill)

Aye (In Favor of Concurrence in the Bill)

_____ No (Oppose Concurrence in the Bill)

Signed: Alvie Clauson March 1, 2000

Please return to Sen. George's Office by noon Wednesday, March 1, 2000.

MEMORANDUM

TO: Members of the Senate Committee on Judiciary

FROM: Pete Christianson, for the Motion Picture Association of America

RE: Assembly Bill 614 Merits Support

DATE: February 22, 2000

I appear today in support of Assembly Bill 614 on behalf of the Motion Picture Association of America ("the MPAA"). The MPAA serves as the voice and advocate of the American motion picture, home video, and television industries; it represents not only the world of theatrical film but also serves as the leader and advocate for the major producers and distributors of entertainment programming for television, cable, home video, and future delivery systems not yet imagined. Its member companies are Walt Disney Company; Sony Pictures Entertainment, Inc.; Metro-Goldwyn-Mayer, Inc.; Paramount Pictures Corporation; Twentieth Century Fox Film Corp.; Universal Studios, Inc.; and Warner Bros.

AB 614 would prohibit the unauthorized duplication of a recording, unauthorized recording of a performance, and unauthorized use of a recording device in a movie theater. It would also require disclosure of the "true name" of the manufacturer of a recording. The purpose of the bill is to enact a "counterfeiting" statute that can be enforced in the State of Wisconsin. While all of these activities are covered by federal law, that law cannot be enforced in state court. Today, 45 states have already enacted similar laws which parallel the applicable federal law.

Virtually all forms of artistic expression are subject to counterfeiting today. As each new medium develops, so do methods of copying. Unauthorized copying or recording harms all aspects of the entertainment industry, from the creators (including writers, producers, actors, and singers) to distributors, theaters, and retailers. Even the State of Wisconsin, counties, and other local governmental bodies lose as unauthorized recordings are sold without the collection of the state, county, and local (where applicable) sales taxes.

The unauthorized use of a recording device in a movie theater would be proscribed in SECTION 10 of the bill (page 8, line 19, through page 11, line 12). It is now possible to tape recently-released motion pictures using new technology. Under current law, a retailer who suspects a store patron of shoplifting is permitted to detain that individual pending arrival of the police. SECTION 10 would permit theater personnel to similarly detain an individual suspected of using a recording device in a movie theater.

Finally, perhaps a few words about the "true name" section of the bill are merited. SECTION 9 of the bill (page 7, line 20, through page 8, line 19) would make it a crime to sell, rent, or offer for sale a recording which does not disclose the name and address of the manufacturer in a prominent place on the cover, jacket, or label of the recording. This section of the bill is very important, for it permits easy identification of the manufacturer of a recording, thus facilitating enforcement of the law.

Your support for AB 614 would be greatly appreciated.

Rossmiller, Dan

From: Burnett, Douglas
Sent: Saturday, March 04, 2000 3:00 PM
To: Rossmiller, Dan
Subject: RE: Tentative Seante Schedule

Understood. And thanks on SB 172.

-----Original Message-----

From: Rossmiller, Dan
Sent: Saturday, March 04, 2000 2:57 PM
To: Burnett, Douglas
Subject: Tentative Seante Schedule

Doug:

I noticed that AB 614 was not on the tentative list. Sen. George really wants to pass this bill. I don't foresee any amendments so if it passes on the 14th that would be o.k.

I will keep you posted on the progress of our paper exec on SB 172 --the Health Care Whistleblower bill. I have asked that the paper ballots be returned by noon.

Dan

February 22, 2000 Judiciary Committee Hearing

Special Testimony Requests

Elected Officials

- Sen. Baumgart and his DA (Robert Wells/Sheboygan Co.) want to testify first about his bill SB 213.
- Rep. Ladwig wants to testify next about her bill AB 72.
- Rep. Goetsch wants to testify next about his bills AB 562 and AB 84.

Others

- Sen. Clausung's office contacted us to let us know that Johnnie Smith from the DEA will be testifying on AB 318. He has some time constraints and has to leave by 10:00 am. They wanted to know if you could make arrangements so that he can get his testimony in before he has to leave?

Bills On the Hearing Agenda

Here is the order of bills, the likely witnesses and a brief comment about amendments I know of :

AB 614 (Your bill on piracy and bootlegging of recorded material)

Don Valdez V.P. Anti-piracy Legislation RIAA will probably testify with a multimedia show-and-tell presentation.

I am not aware of any amendments although Sen. Risser is apparently concerned about how the new penalties under the bill will mesh with Truth-In-Sentencing given the fact that we haven't adopted the code reclassification yet.

SB 395 (The DHFS bill on sexually violent persons commitment rules)

Dr. Thomalla (PhD.) is likely to testify for DHFS. I don't know whether Sec. Leean will testify or not. I don't know

There is a substitute amendment (LRB s0315/1) that has been prepared to reflect the agreement between the DHFS and the DOJ. It is ready to be introduced.

AB 174 (Rep. Kreuser's bill to allow of-duty peace officers to carry concealed weapons)

Rep. Kreuser will testify. He may have a local law enforcement official testify on behalf of his drug or gang task force folks.

I am not aware of any amendments.

AB 562 (Rep. Goetsch's committee bill to establish a Southeast Wisconsin crime abatement task force)

Rep. Goetsch will testify. (See note above)

There are two amendments.

- 1) Reps. Riley and Krug asked us to add the City of Milwaukee Chief of Police as a member of the Task Force. The first amendment (LRB 1379/1) does this.
- 2) The State Bar Criminal Law Section asked us to add to the task force a member of the State Bar of Wisconsin's Criminal Law Section who lives in the affected area, as well as a member of a local bar association for every county enumerated as part of the task force in the bill (i.e., Milwaukee, Kenosha, Racine, Rock and Waukesha). This second amendment has been requested but has not yet been received at the time of this writing.

SB 533 (The Leg. Council bill on Restorative Justice and faith-based approaches to crime reduction.)

I would expect there will be testimony from several sources. The Interfaith Conference has, for example, expressed support for the restorative justice provisions.

I am not aware of any proposed amendments.

SB 214 (Sen Burke's bill re: When a victim must be given notice of the right to make a statement at sentencing.)

Jon Reddin, Deputy DA for Milwaukee County and Mike Nieskes, Deputy DA for Racine County will be testifying on SB 214.

I am not aware of any proposed amendments.

AB 318 (Sen. Clausing's bill on Methamphetamine penalties.)

Johnnie Smith from the DEA will be testifying on AB 318. I am not sure whether DOJ will have anybody testify or not. I expect Sen. Clausing may testify.

I am not aware of any proposed amendments.

AB 391 (Garnishment technical correction)

Rep. Gunderson's staffer will probably testify.

I am not aware of any proposed amendments.

SB 213 (Sen. Baumgart's bill on inducing or causing self-mutilation by a child.)

Sen. Baumgart and his DA (Robert Wells/Sheboygan Co.) will testify. (See note above)

I am not aware of any proposed amendments.

AB 72 (Rep. Ladwig's bill on disclosure of juvenile records by a juvenile or municipal court).

Rep. Ladwig will testify. (See note above.)

The State Bar Children and the Law Section recommends an amendment to Sect. 5 of the bill to specify that a GAL and the attorney of record can view the juvenile's record in cases where a juvenile or municipal court asks another juvenile or municipal court for records for purposes of any other proceeding.

AB 84 (Rep. Goetsch's bill on factors to be considered when sentencing a person convicted of committing a crime.)

Rep. Goetsch will testify. (See note above.)

In response to a request from the Judicial Conference an amendment has been drafted to delete the material in Assembly Substitute Amendment 1 to AB 84 at page 2, line 14. This would delete the factor "(j) The length of pretrial detention of the person, if applicable." I don't know whether this is advisable or not. I always assumed that judges considered time served when sentencing.

Bills From Previous Hearings On Which We Can Take Executive Action

AB 45 (Rep. Kelso's bill to create a Dangerous Weapons in Schools Hotline)

In response to a request from the Atty. Gen./Department of Justice we have drafted an amendment (LRB a1436/1) that basically adds threats to harm persons or damage school property to the list of items that may be reported. Rep. Kelso is o.k. with the bill with the change and so is DOJ.

AB 111 (Rep. Suder's bill on Embezzlement from Vulnerable (elderly) Adults)

In response to a request from the Elder Advocate in the Department of Justice we have drafted a substitute amendment (LRB s0307/1) that expands the bill to cover all financial crimes (e.g., attempted theft, theft, misappropriation of personal identifying information or documents, forgery, fraudulent writings, fraudulent destruction of certain writings.) against all elderly people regardless of capacity, place of residence or

participation in programs. It also makes the definition of "vulnerable adult" identical to the definition of that term used elsewhere in the statutes (e.g., Chapters 55, 813 and 940) and includes all Powers of Attorney, whether durable or non-durable.

Rep. Suder the author of the bill doesn't object to the substance of the substitute amendment but argues that adopting the amendment will kill the bill procedurally. He thinks the bill won't be able to go through both houses before the end of March.

SB 106 (Sen. Wirch's CASA bill)

Sen. Wirch's office has worked with Legal Aid of Milwaukee to craft a compromise that everybody seems to be happy with. A substitute amendment (LRB s270/3) reflects the compromise.)

SB 110 (Sen. Moen's bill on Prisoner's Throwing Bodily Substances)

There are two simple amendments.

The first one (LRB a1180/1) is at the request of the State Hygiene Lab and expands the list of bodily substances covered by the bill.

The second one (LRB a1298/1) reduces the maximum penalty under the bill from 5 years to 2 years, consecutive to the current sentence.

SB 284 (Your court reporter's bill)

No amendments as far as I know. We had voted on this at the last exec. session but haven't yet reported the bill out of committee.

In deference to you as chair, Sen. Huelsman will let the bill come out of committee and maybe try to amend it on the floor.

I hope this is helpful.

ABL014

State of Wisconsin



GARY R. GEORGE
SENATOR

TO: Staff to Members, Senate Committee on Judiciary and Consumer Affairs

FROM: Dan Rossmiller, Clerk
Senate Committee on Judiciary and Consumer Affairs

RE: Proposed Amendments to Bills That Have Previously Received a Public Hearing
in the Senate Committee on Judiciary and Consumer Affairs and May Receive
Executive Action Next Week

DATE: February 25, 2000

Attached please find a list of the of proposed amendments and proposed substitute amendments to bills that have previously received a public hearing that I would like to discuss with you on February 28, 2000.

Assembly Bill 45

Relating to: a hotline in the department of justice for the reporting of information regarding dangerous weapons in public schools.

By Representatives Kelso, Colon, Gunderson, Hahn, Hutchison, Jensen, Kedzie, Lassa, F. Lasee, Ladwig, M. Lehman, Musser, Owens, Ryba, Seratti, Spillner, Sinicki, Suder, Sykora, Urban, Vrakas, Powers and Huebsch; cosponsored by Senators Darling, Risser and Roessler.

Risser?

Agreed Upon Amendment Pending: At the request of DOJ an amendment (LRBa1436/1) was prepared to expand the scope of things reportable through this hotline to include threats to damage school premises or harm persons on school grounds. Rep. Kelso, the author of the bill has signed off on the amendment.

Assembly Bill 111

Relating to: committing theft against certain persons and providing a penalty.

By Representatives Suder, Albers, Ainsworth, Freese, Handrick, Hoven, Huebsch, Kelso, Ladwig, F. Lasee, Montgomery, Musser, Nass, Olsen, Plale, Powers, Turner and Vrakas; cosponsored by Senators Darling, Fitzgerald, Lazich, Roessler, Welch and Zien.

Substitute Amendment Pending: At the request of DOJ and its Elder Law Advocate a substitute amendment (LRBs0307/1) was prepared to broaden the bill to address all forms of financial crimes against the elderly. The substitute amendment:

1. Covers all financial crimes
(e.g., attempted theft, theft, misappropriation of personal identifying information or documents, forgery, fraudulent writings, fraudulent destruction of certain writings.)
2. Protects all elderly people, regardless of capacity, place of residence or participation in programs.
3. Makes definition of "vulnerable adult" identical to the definition of that term used elsewhere in the statutes (e.g., Chapters 55, 813 and 940).
4. Includes all Powers of Attorney, whether durable or non-durable.

?
Darling
will

Rep. Suder, the author of the bill, expresses no objection to the substance of the changes.

Assembly Bill 318

Relating to: the controlled substance methamphetamine and providing penalties.

By Representatives Kreibich, Rhoades, Brandemuehl, Urban, Suder, Klusman, Freese, Ladwig, Ainsworth, Nass, Musser, Seratti, M. Lehman, Stone, Albers, Pettis, Gunderson, Kelso, Skindrud, Kedzie, Olsen, Huebsch, Petrowski, Gronemus, Vrakas, Kestell, Montgomery and Ward; cosponsored by Senators Clausung, Moen, Zien, Panzer, Roessler, Darling, Huelsman, Schultz, Rude and Farrow.

no
problems

No Amendments Pending.

Assembly Bill 391

Relating to: disposable earning exempt from garnishment.

no problems

By Representatives Gunderson, Musser, Townsend, Turner, Sykora, Hahn, Petrowski, Hundertmark, Spillner, Gronemus, Kelso, Albers and Powers; cosponsored by Senator Darling.

No Amendments Pending.

Assembly Bill 533

Relating to: authorizing the appointment of assistant district attorneys to provide restorative justice services; authorizing counties and the department of corrections to contract with religious organizations for the provision of services relating to delinquency and crime prevention and the rehabilitation of offenders; inmate rehabilitation; creating the office of government-sectarian facilitation; establishing a grant program for a neighborhood organization incubator; distributing funding for alcohol and other drug abuse services; and making appropriations.

*Risser
philosophical
objection
to everything
but
restorative
justice*

Joint Legislative Council.

No Amendments Pending. Concern About Church-State Separation Issues. Bill contains appropriation. Must go the Joint Finance.

Assembly Bill 562

Relating to: creating a southeast Wisconsin crime abatement task force.
By the Committee on Criminal Justice.

Risser o.k.

Two Amendments Pending: One amendment (LRBa1434/1), at the request of Reps. Krug and Riley adds the Chief of Police of the City of Milwaukee as a member of the task force. The other amendment (LRBa1427/1) at the request of the State Bar of Wisconsin adds to the task force a member of the State Bar's Criminal Law Section who lives in the affected area, as well as a member of a local bar association for every county enumerated as part of the task force in the bill (i.e., Milwaukee, Kenosha, Racine, Rock and Waukesha).

*Duelman
?*

Assembly Bill 614

Relating to: unauthorized duplication of a recording, unauthorized recording of a performance, failure to disclose manufacturer of a recording, unauthorized use of a recording device in a movie theater and providing a penalty.

*no
problems*

By Representatives Pettis, Kestell, Jensen, Coggs, Underheim, Klusman, Sykora, Albers, Olsen, Nass, Ward, Handrick, Vrakas, Staskunas, Kreibich, Walker, Musser, Kaufert and Bock; cosponsored by Senators George, Rosenzweig, Panzer, Breske and Grobschmidt.

No Amendments Pending.

Senate Bill 106

Relating to: court-appointed special advocates for children and juveniles in need of protection or services.

no problems

By Senators Wirch, Plache, Huelsman, Burke, Darling, Clausung, Rosenzweig, Erpenbach and Roessler; cosponsored by Representatives Steinbrink, Kreuser, Porter, Ladwig, Kelso, Turner, Coggs, Brandemuehl, Sykora, Reynolds, Meyer, La Fave, Johnsrud and Ryba.

Agreed Upon Substitute Amendment Pending. (LRBs0270/4). Sen. Wirch's office has worked out a compromise with all the concerned groups, including organizations that currently operate CASA programs.

Senate Bill 110

Relating to: prisoners throwing or expelling certain bodily substances at or toward others, testing for the presence of communicable diseases in certain criminal defendants and juveniles alleged to be delinquent or in need of protection or services and providing a penalty.

no problems

By Senators Moen, Drzewiecki, Breske, Farrow, Erpenbach, Rude, Baumgart, Huelsman, Schultz and Roessler; cosponsored by Representatives Musser, Huebsch, Plale, Pettis, Seratti, Ryba, Sykora, Gronemus, Ziegelbauer, Ainsworth, Ladwig, F. Lasee and Albers, by request of the Local 219, Jackson Correctional Institution Officers.

Two amendments pending. The first one (LRB a1180/1) by request of the State Laboratory or Hygiene expands the scope of bodily substances covered under the bill. The second one (LRBa1298/1) by request of the committee members , reduces the maximum penalty from five years, consecutive to the current prison term, to 2 years, consecutive to the current prison term.

dis tributed

Senate Bill 172

Relating to: discharge or other retaliation or discrimination against an employe of a health care facility or a health care provider who reports a violation of the law or a violation of a clinical or ethical standard by the health care facility or health care provider or by an employe of the health care facility or health care provider and providing a penalty.

By Senators George, Robson, Baumgart, Burke, Cowles, Darling, Grobschmidt, Moen, Plache, Roessler and Rosenzweig; cosponsored by Representatives Underheim, Carpenter, Albers, Black, Bock, Boyle, Coggs, Colon, Cullen, Goetsch, Hahn, Hebl, Kelso, Kreuser, Krusick, La Fave, Ladwig, Lassa, J. Lehman, M. Lehman, Miller, Musser, Olsen, Pettis, Plouff, Pocan, Richards, Sinicki, Staskunas, Walker, Wasserman, Waukau and Ziegelbauer.

Agreed Upon Substitute Amendment Pending. (LRBs???/?). Senators Robson and Clausung and Representative Underheim convened a meeting with representatives of hospitals and health care worker unions to work out a compromise that all parties have apparently accepted. The compromise is being drafted as a substitute amendment to both the Assembly and Senate versions of the bill.

Senate Bill 214

Relating to: notice to a victim of the right to make a statement at sentencing or disposition.

By Senator Burke; cosponsored by Representative Huber.

No Amendments Pending.

Senate Bill 284

Relating to: contracts with persons who take depositions.

By Senators George, Rude, Breske, Cowles and Rosenzweig; cosponsored by Representatives Walker, Huebsch, Hebl, Staskunas, M. Lehman, Albers, Goetsch, J. Lehman, Hahn, Colon, Richards and Cullen.

*no
problem*

No Amendments Pending. This bill was voted upon at the February 1, 2000 executive session but was not reported out of committee.

Senate Bill 395

Relating to: policies concerning treatment and conduct of persons detained during a sexually violent person commitment proceeding and person committed for treatment after being found to be a sexually violent person.

By Senator George; cosponsored by Representative Huebsch. By Request of the Department of Health and Family Services.

*Risser
?*

Agreed Upon Substitute Amendment Pending: (LRB s0315/1) As substantiated by testimony at the 2-22-2000 hearing, the substitute addresses the concerns of both DHFS and DOJ.