



2007 ASSEMBLY BILL 433

July 3, 2007 - Introduced by Representatives KAUFERT, HAHN, GRONEMUS, ALBERS, GUNDERSON, JESKEWITZ, LEMAHIEU, NASS, MONTGOMERY, A. OTT, PETROWSKI, TOWNSEND and VAN ROY, cosponsored by Senators ELLIS, PLALE, COWLES, LASSA, OLSEN and ROESSLER. Referred to Committee on Judiciary and Ethics.

1 **AN ACT** *to renumber and amend* 43.30 (1b); *to amend* 43.30 (1m); and *to*
2 *create* 43.30 (1b) (b) and 43.30 (5) of the statutes; **relating to:** the disclosure
3 of certain library records to law enforcement officers.

Analysis by the Legislative Reference Bureau

Under current law, public library records may not be disclosed to any person except in certain specified circumstances. This bill requires a public library to disclose to a law enforcement officer, upon his or her request, all records produced by a surveillance device, if the officer is investigating criminal conduct alleged to have occurred at the public library.

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

4 **SECTION 1.** 43.30 (1b) of the statutes is renumbered 43.30 (1b) (intro.) and
5 amended to read:

6 43.30 (1b) (intro.) In this section, "eustodial:"

7 (a) "Custodial parent" includes any parent other than a parent who has been
8 denied periods of physical placement with a child under ~~s. 767.24 (4)~~ s. 767.41 (4).

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1 **SECTION 2.** 43.30 (1b) (b) of the statutes is created to read:

2 43.30 (1b) (b) "Law enforcement officer" has the meaning given in s. 165.85 (2)

3 (c).

4 **SECTION 3.** 43.30 (1m) of the statutes is amended to read:

5 43.30 (1m) Records of any library which is in whole or in part supported by
6 public funds, including the records of a public library system, indicating the identity
7 of any individual who borrows or uses the library's documents or other materials,
8 resources, or services may not be disclosed except by court order or to persons acting
9 within the scope of their duties in the administration of the library or library system,
10 to persons authorized by the individual to inspect such records, to custodial parents
11 or guardians of children under the age of 16 ~~as required under sub. (4), or to libraries~~
12 ~~as authorized under subs. (2) and (3), or to law enforcement officers under sub. (5).~~

13 **SECTION 4.** 43.30 (5) of the statutes is created to read:

14 43.30 (5) Upon the request of a law enforcement officer who is investigating
15 criminal conduct alleged to have occurred at a library supported in whole or in part
16 by public funds, the library shall disclose to the law enforcement officer all records
17 produced by a surveillance device under the control of the library.

18

(END)