

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.

1 AN ACT *to amend* 757.54 (1); and *to create* 757.54 (3) of the statutes; **relating** 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:
757.54 (1) Except as provided in sub. subs. (2) and (3), the retention and
disposal of all court records and exhibits in any civil or criminal action or proceeding
or probate proceeding of any nature in a court of record shall be determined by the
supreme court by rule.
SECTION 2. 757.54 (3) of the statutes is created to read:

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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)