



2019 SENATE BILL 864

February 20, 2020 - Introduced by Senator WANGGAARD, cosponsored by Representative GUNDRUM. Referred to Committee on Insurance, Financial Services, Government Oversight and Courts.

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 a search warrant. The testimony must be recorded either by a court reporter or by means of a voice recording device. If recorded by a recording device, the recording must be transcribed, the transcript must be certified as accurate by the judge or court reporter, and both the certified transcript and the 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, as affected by 2019 Supreme Court
4 Order 19-01, is amended to read:

5 968.12 (3) (d) *Recording and certification of testimony.* When a caller informs
6 the judge that the purpose of the call is to request a warrant, the judge shall place

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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)