



2023 SENATE BILL 524

October 16, 2023 - Introduced by Senators JAMES, BALLWEG and MARKLEIN, cosponsored by Representatives NOVAK, BRANDTJEN, DONOVAN, KITCHENS, MICHALSKI, MURPHY and SCHMIDT. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to amend** 885.60 (2) (d) of the statutes; **relating to:** the use of
2 videoconferencing technology in certain civil actions.

Analysis by the Legislative Reference Bureau

Under current law, a circuit court generally may allow the use of videoconferencing technology during pretrial, trial or fact-finding, or post-trial proceedings, subject to certain technical standards and criteria. However, current law provides that a defendant in a criminal case (defendant) or a respondent in certain civil actions that could result in loss of liberty or fundamental rights with respect to the respondent's children (respondent) is entitled to be physically present in the courtroom during his or her trial and at his or her sentencing or other dispositional hearing. Currently, if a defendant or respondent objects to the use of videoconferencing technology regarding a proceeding that the defendant or respondent has a right to attend in person, the court must sustain the objection. If a defendant or respondent objects to the use of videoconferencing technology regarding any other proceeding, current law allows the court to exercise its discretion in determining the objection.

This bill provides that the court is only required to sustain an objection to the use of videoconferencing technology that is made by a defendant, but not by a respondent, regarding a proceeding the defendant is entitled to attend in person. Under the bill, the court may exercise its discretion in determining any objection by a respondent to the use of videoconferencing technology regarding any proceeding, even if the respondent is entitled to attend the proceeding in person.

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For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 885.60 (2) (d) of the statutes is amended to read:
2 885.60 **(2)** (d) If an objection is made by the defendant ~~or respondent~~ in a matter
3 ~~listed in sub. (1),~~ criminal case regarding any proceeding ~~where he or she~~ in which
4 the defendant is entitled to be physically present in the courtroom, the court shall
5 sustain the objection. For all other proceedings in a matter listed in sub. (1), the court
6 shall determine the objection in the exercise of its discretion under the criteria set
7 forth in s. 885.56.

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(END)