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STATE REPRESENTATIVE • 58TH ASSEMBLY DISTRICT

Testimony on Assembly Bill 846

Assembly Committee on Judiciary | February 6, 2020 | Room 300 Northeast

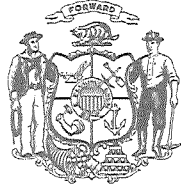
Thank you Chairman Ott and members of the Assembly Committee on Judiciary for holding a hearing on Assembly Bill 846. Sen. Van Wanggaard and I authored AB 846 to improve the efficiency of county circuit court operations and help circuit courts save limited resources. The bill removes a duplicative requirement found under the state statute governing the recording, certification, and retention of telephone-sworn search warrant requests [s. 968.12(3)(d), Stats.].

If a county elects to allow telephone-sworn search warrant requests, the testimony of the requesting person (e.g., a sheriff's deputy) must be recorded by a court reporter or by the requesting person through a voice recording device. The voice recording must then be transcribed and certified as accurate by the judge or the court reporter, and then filed with the clerk of courts. Moreover, current law requires the original recording to be kept on file with the clerk of courts. The original recording is most often stored on a CD or USB drive.

These requirements have presented clerk of courts offices with ongoing storage issues due to the courts' extended record retention schedule (20 years for misdemeanors and 50 years for most felonies), as most offices now work in an electronic environment.

Generally, a certified transcript of a court proceeding is sufficient for inclusion in the court record. For example, a court reporter's transcript is considered the official record in homicide trials, regardless of whether the reporter relies on an audio recording to help prepare the final transcript. AB 846 brings the requirements for search warrant requests into alignment with other court proceedings by requiring the certified transcript of the original recording to be filed with the clerk of courts office.

Thank you for your time and consideration.



Van H. Wanggaard

Wisconsin State Senator

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February 6, 2020

Thank you Chairman Ott and members of the Judiciary Committee for hearing Assembly Bill 846 (AB 846) today. This bill will help the courts streamline their proceedings by eliminating an unnecessary provision regarding telephone-sworn search warrants that can hinder Wisconsin's circuit courts.

Current law allows circuit courts to receive search warrant requests over the phone so long as the requestor's statement is recorded, transcribed, and certified as accurate by a court reporter or presiding judge. After this process, both the transcript of the request as well as the original recording must be filed with the clerk of courts despite the fact they contain identical statements. This requirement takes up increasingly limited digital and/or physical storage space, placing a burden on counties.

AB 846 removes the duplicative statutory requirement that the recording be stored and instead allows the official transcript to be included in the record. Transcripts are permitted into cases during other proceedings throughout the court process and should be sufficient for telephone-sworn search warrants as well.

Again, thank you for your consideration of AB 846. I hope you support the passage of this common sense fix.

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Assembly Bill 846: Search Warrant Recordings

Public Affairs Coordinator Ethan Hollenberger

Each year law enforcement officers make between 700-900 OWI arrests in Washington County. Each blood draw requires the consent of the suspect or a search warrant. A couple dozen times per month, an officer writes for a warrant and meets the on-call judge for the search warrant. This in person process causes three officers to be tied up during an OWI arrest. Two officers remain with the suspect at the hospital. The third officer, usually the arresting officer, is driving to the judge.

Many counties have begun utilizing communications centers (dispatch) recorded line to capture an officer's sworn testimony to a judge. The warrant is then approved electronically. The phone call is transcribed by a court reporter and filed with the court. This process also requires the "original" record to be filed with the court. Years ago, this was the cassette the judge used to record the conversation. Today, digital technology has advanced.

Counties, typically through the sheriff's office, transmit the recording to a USB drive or CD. That record is then stored in the Clerk of Circuit Court's office. This is always a duplication from the digital file held by the sheriff's office or communication center. In Washington County, the sheriff's office will be emailing the recording to the court reporter.

Generally, by Supreme Court Rule, a court reporter's certified transcript is the court record. For instance, if a court reporter were on the search warrant call and transcribing the call live, the original recording is not needed. Additionally, court hearings are officially transcribed by court reporters; audio recordings are not required.

This bill helps move counties into new technology, make search warrants more efficient, and protect the rights of the suspect. This bill is supported by Sheriff's and judges across the state and is a smart next step for Wisconsin's court system to continue to utilize technology.

Thank you for your consideration on this bill.