



State of Wisconsin
2023 - 2024 LEGISLATURE

LRBa1201/1
MPG:klm

**ASSEMBLY AMENDMENT 1,
TO SENATE BILL 789**

February 12, 2024 - Offered by Representative SPIROS.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 1, line 2: after “agencies” insert “and providing a penalty”.
- 3 **2.** Page 1, line 3: after that line insert:
- 4 “19.35 (3) (h) 1. In this paragraph, “law enforcement agency” has the meaning
- 5 given in s. 19.36 (8) (a) 2.”.
- 6 **3.** Page 1, line 4: delete the material beginning with “19.35” and ending with
- 7 “2.,” on line 5 and substitute “2. Subject to subds. 3. to 7., an authority that is a law
- 8 enforcement agency”.
- 9 **4.** Page 2, line 3: after that line insert:
- 10 “3. An authority may not impose the fee under subd. 2. with respect to a request
- 11 for records containing audio or video content for which all of the following apply:
- 12 a. If the requester is an individual, the requester provides written certification
- 13 to the authority that the requester will not use the audio or video content for financial

1 gain, not including an award of damages in a civil action. Any individual providing
2 a false certification under this subd. 3. a. shall be subject to a forfeiture of \$10,000
3 for each violation.

4 b. During the calendar year in which the authority receives the request, the
5 same requester has not made more than 10 requests to the authority for records
6 containing audio or video content, including the current request but excluding any
7 request subject to subd. 4. or 5.

8 4. An authority may not impose the fee under subd. 2. with respect to a request
9 for records containing audio or video content if the requester is an individual directly
10 involved in the event to which the requested records relate, that individual's attorney
11 or other authorized representative, or that individual's parent or guardian if the
12 individual is under the age of 18.

13 5. An authority may not impose the fee under subd. 2. with respect to a request
14 for records containing audio or video content if the event to which the requested
15 records relate is a shooting involving an officer of a law enforcement agency.

16 6. In calculating the fee imposed under subd. 2., the rate for an actual,
17 necessary, and direct charge for staff time spent redacting shall be based on the pay
18 rate of the authority's lowest paid employee capable of performing the task.

19 7. An authority may not impose the fee under subd. 2. with respect to a request
20 for records containing audio or video content unless prior to fulfilling the request the
21 authority provides to the requester in writing an estimate of the amount of the fee
22 to be charged.”

23 (END)