

State of Wisconsin



2023 Assembly Bill 960

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2023 WISCONSIN ACT 232

AN ACT *to amend* 968.373 (7) (a), 968.373 (7) (b), 968.373 (7) (c) and 968.373 (8) (b) (intro.); and *to create* 165.25 (21), 968.373 (8) (b) 3., 968.373 (8) (c), 968.373 (8g) and 968.373 (8s) of the statutes; **relating to:** emergency communications device location information.

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

SECTION 1. 165.25 (21) of the statutes is created to read:

165.25 (21) MAINTAIN A DATABASE OF EMERGENCY CONTACT INFORMATION FOR PROVIDERS OF ELECTRONIC COMMUNICATION SERVICES. Maintain a database of electronic communication services provider emergency contact information submitted under s. 968.373 (8s) in order to facilitate a request from a law enforcement agency or tribal law enforcement agency for information under s. 968.373, and distribute the information maintained under this subsection on a quarterly basis, or immediately as changes occur, to all law enforcement agencies, tribal law enforcement agencies, and public safety answering points in this state.

SECTION 2. 968.373 (7) (a) of the statutes is amended to read:

968.373 (7) (a) A person on whom a warrant issued under sub. (4) is served is immune from civil or criminal liability for acts or omissions in providing records or information, facilities, or assistance in accordance with the terms of the warrant.

SECTION 3. 968.373 (7) (b) of the statutes is amended to read:

968.373 (7) (b) A person who discloses the location of a communications device under sub. (8) (b) is immune from civil or criminal liability for the acts or omissions in making the disclosure in accordance with sub. (8) (b).

SECTION 4. 968.373 (7) (c) of the statutes is amended to read:

968.373 (7) (c) No cause of action or criminal action may arise against any provider of electronic communication service, or its officers, employees, or agents or other persons specified in the court order under sub. (5), for providing information, facilities, or assistance in accordance with the terms of a court order under sub. (5).

SECTION 5. 968.373 (8) (b) (intro.) of the statutes is amended to read:

968.373 (8) (b) (intro.) A provider of electronic communication service may shall disclose the location of a communications device without a warrant if any of the following applies:

SECTION 6. 968.373 (8) (b) 3. of the statutes is created to read:

968.373 (8) (b) 3. The provider of electronic communication service receives a written request from a law enforcement agency attesting that the disclosure of device location information is needed to allow a law enforcement agency to respond to a call for emergency

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

services or to an emergency situation that involves the danger of death or serious physical injury to any person and disclosure of device location information is necessary to prevent or mitigate that danger.

SECTION 6g. 968.373 (8) (c) of the statutes is created to read:

968.373 (8) (c) If the location of a communications device is disclosed to a law enforcement agency under par. (b) 2. or 3., the provider of electronic communication services shall notify the customer or subscriber of the information disclosure within 30 days after the call for emergency services or the emergency situation, or when any case that resulted from the call for emergency services or the emergency situation has resolved, whichever is later.

SECTION 6m. 968.373 (8g) of the statutes is created to read:

968.373 (8g) COURT REVIEW. If the location of a communications device is disclosed to a law enforcement agency under sub. (8) (b) 2. or 3. and evidence of criminal activity was obtained as a result of the disclosure, the law enforcement agency shall, within 3 days of the disclosure, apply to a judge for an order retroactively autho-

rizing the emergency disclosure. The application under this subsection shall set forth the facts giving rise to the emergency disclosure, and the judge shall promptly issue an order determining whether the emergency disclosure was necessary. If the judge determines that the disclosure was not necessary, the judge shall order that the evidence be suppressed in any criminal proceeding on the grounds that the evidence was unlawfully obtained, and order immediate notification under sub. (8) (c).

SECTION 7. 968.373 (8s) of the statutes is created to read:

968.373 (8s) EMERGENCY CONTACT INFORMATION. Any provider of electronic communication services considered to be doing business in this state under sub. (8m) shall submit its emergency contact information to the department of justice to facilitate a request for information made by a law enforcement agency or tribal law enforcement agency under this section no later than 60 days after the effective date of this subsection [LRB inserts date], annually by January 1 of each year thereafter, and as soon as possible any time a change occurs to the emergency contact information most recently submitted to the department of justice.