



State of Wisconsin
2023 - 2024 LEGISLATURE

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**SENATE AMENDMENT 2,
TO SENATE BILL 890**

February 19, 2024 - Offered by Senator JAMES.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 16: after that line insert:

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

4 968.373 (8) (c) If the location of a communications device is disclosed to a law
5 enforcement agency under par. (b) 2. or 3., the provider of electronic communication
6 services shall notify the customer or subscriber of the information disclosure within
7 30 days after the call for emergency services or the emergency situation, or when any
8 case that resulted from the call for emergency services or the emergency situation
9 has resolved, whichever is later.

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

11 968.373 (8g) COURT REVIEW. If the location of a communications device is
12 disclosed to a law enforcement agency under sub. (8) (b) 2. or 3. and evidence of
13 criminal activity was obtained as a result of the disclosure, the law enforcement

1 agency shall, within 3 days of the disclosure, apply to a judge for an order
2 retroactively authorizing the emergency disclosure. The application under this
3 subsection shall set forth the facts giving rise to the emergency disclosure, and the
4 judge shall promptly issue an order determining whether the emergency disclosure
5 was necessary. If the judge determines that the disclosure was not necessary, the
6 judge shall order that the evidence be suppressed in any criminal proceeding on the
7 grounds that the evidence was unlawfully obtained, and order immediate
8 notification under sub. (8) (c).”.

9 (END)