



State of Wisconsin
2025 - 2026 LEGISLATURE

LRBs0042/1

MJW:skw

ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 191

May 5, 2025 - Offered by Representative GOEBEN.

1 **AN ACT** *to amend* 972.11 (1); *to create* 885.035, 971.23 (12) and 972.11 (5) of
2 the statutes; **relating to:** requiring a subpoena to certain officials to be served
3 at the official's work address.

Analysis by the Legislative Reference Bureau

Under current law, a person may generally serve a subpoena by exhibiting and reading it to the witness, by giving the witness a copy of the subpoena, or by leaving a copy of the subpoena at the witness's home. This bill modifies the procedure with respect to a law enforcement officer, tribal law enforcement officer, public officer, or public employee who will be called to testify about actions taken in an official capacity. Under the bill, such a subpoena may only be served to the law enforcement officer, tribal law enforcement officer, public officer, or public employee at the person's work address.

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

4 **SECTION 1.** 885.035 of the statutes is created to read:

1 **885.035 Service of subpoena to a law enforcement officer or public**
2 **officer or employee.** (1) In this section:

3 (a) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

4 (b) “Public officer” and “public employee” have the meaning given in s. 939.22
5 (30).

6 (c) “Tribal law enforcement officer” has the meaning given in s. 165.85 (2) (g).

7 **(2)** Notwithstanding s. 885.03, a subpoena to be served upon a law
8 enforcement officer, tribal law enforcement officer, public officer, or public employee
9 whose testimony will be regarding events or actions taken in the individual’s
10 official capacity or within the scope of the individual’s employment as a law
11 enforcement officer, tribal law enforcement officer, public officer, or public employee
12 may be served only at the individual’s work address. The subpoena may be served
13 by exhibiting and reading it to the individual, by giving the individual a copy
14 thereof, or by leaving a copy at the individual’s work address.

15 **SECTION 2.** 971.23 (12) of the statutes is created to read:

16 971.23 **(12)** DEFINITIONS. In this section:

17 (a) 1. Subject to subds. 2. and 3., “address” means an individual’s residential
18 street address.

19 2. If the individual under subd. 1. is a witness who is a law enforcement
20 officer, tribal law enforcement officer, public officer, or public employee whose
21 testimony will be regarding events or actions taken in the individual’s official
22 capacity or within the scope of the individual’s employment, “address” means the
23 street address of the individual’s employer.

24 3. If the individual under subd. 1. is a witness who is a participant in the

1 address confidentiality program under s. 165.68, “address” means the assigned
2 address designated for the individual by the department of justice.

3 (b) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

4 (c) “Public officer” and “public employee” have the meaning given in s. 939.22
5 (30).

6 (d) “Tribal law enforcement officer” has the meaning given in s. 165.85 (2) (g).

7 **SECTION 3.** 972.11 (1) of the statutes is amended to read:

8 972.11 (1) Except as provided in subs. (2) to ~~(4)~~ (5), the rules of evidence and
9 practice in civil actions shall be applicable in all criminal proceedings unless the
10 context of a section or rule manifestly requires a different construction. No
11 guardian ad litem need be appointed for a defendant in a criminal action. Chapters
12 885 to 895 and 995, except ss. 804.02 to 804.07 and 887.23 to 887.26, shall apply in
13 all criminal proceedings.

14 **SECTION 4.** 972.11 (5) of the statutes is created to read:

15 972.11 (5) (a) In this subsection:

16 1. “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

17 2. “Public officer” and “public employee” have the meaning given in s. 939.22
18 (30).

19 3. “Tribal law enforcement officer” has the meaning given in s. 165.85 (2) (g).

20 (b) Any subpoena shall be served in the manner provided in s. 805.07 (5).
21 Notwithstanding substituted personal service as provided in ss. 801.11 and 885.03,
22 when the witness is a law enforcement officer, tribal law enforcement officer, public
23 officer, or public employee whose testimony will be regarding events or actions

SECTION 4

1 taken in the individual's official capacity or within the scope of the individual's
2 employment, the subpoena shall be served in the manner provided in s. 885.035.

3 (END)