
Wisconsin Legislative Council

AMENDMENT MEMO



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2023 Assembly Bill 118

**Assembly
Amendment 1**

2023 ASSEMBLY BILL 118

Current law requires a law enforcement agency that receives a public records request for a record that contains specific information that, if disclosed, would identify a law enforcement informant, to delete the portion of the record in which the information is contained or, if no portion of the record can be inspected or copied without identifying the informant, withhold the record unless the custodian of the record makes a determination that the public interest in allowing a person to inspect, copy, or receive a copy of the identifying information outweighs the harm done to the public interest by providing access.

2023 Assembly Bill 118 removes the language that limits the requirements above to a law enforcement agency. Under the bill, any authority that receives a public records request for a record that contains specific information that, if disclosed, would identify a law enforcement informant, must either redact or withhold the record as described above.

The bill also modifies a requirement that various county officers, “with proper care ... [must] open to the examination of any persons all books and papers required to be kept in his or her office and permit any person so examining to take notes and copies of such books, records, papers, or minutes therefrom,” except when limiting access to these records is allowed under various enumerated statutes. The bill adds the statutory provision limiting the disclosure of records containing information that could identify a law enforcement informant to the circumstances under which these county officers are not required to provide access to records.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 to Assembly Bill 118 clarifies the obligation of various county officers to deny access to records on the basis that it contains information that could identify a law enforcement informant. The amendment allows these officers to prohibit records to the extent the books, records, papers, or minutes contain information that would identify an information as such.

BILL HISTORY

Representative Nedweski offered Assembly Amendment 1 to Assembly Bill 118 on October 25, 2023. On December 5, 2023, the Assembly Committee on Government Accountability and Oversight voted unanimously to recommend adoption of Assembly Amendment 1 and passage of Assembly Bill 118, as amended.

For a full history of the bill, visit the Legislature’s [bill history page](#).

EH:jal