



RICK GUNDRUM

STATE REPRESENTATIVE • 58TH ASSEMBLY DISTRICT

Testimony on Assembly Bill 84

Assembly Committee on Judiciary | April 15, 2021 | Room 417 North

Thank you Chairman Tusler and members of the Assembly Committee on Judiciary for holding a hearing on Assembly Bill 84. Sen. Van Wanggaard and I authored AB 84 to improve the efficiency of county circuit court operations and help circuit courts save limited resources. The bill removes a duplicative requirement found under the state statute governing the recording, certification, and retention of telephone-sworn search warrant requests [s. 968.12(3)(d), Stats.].

If a county elects to allow telephone-sworn search warrant requests, the testimony of the requesting person (e.g., a sheriff's deputy) must be recorded by a court reporter or by the requesting person through a voice recording device. The voice recording must then be transcribed and certified as accurate by the judge or the court reporter, and then filed with the clerk of courts. Moreover, current law requires the original recording to be kept on file with the clerk of courts. The original recording is most often stored on a CD or USB drive.

These requirements have presented clerk of courts offices with ongoing storage issues due to the courts' extended record retention schedule (20 years for misdemeanors and 50 years for most felonies), as most offices now work in an electronic environment.

Generally, a certified transcript of a court proceeding is sufficient for inclusion in the court record. For example, a court reporter's transcript is considered the official record in homicide trials, regardless of whether the reporter relies on an audio recording to help prepare the final transcript. AB 84 brings the requirements for search warrant requests into alignment with other court

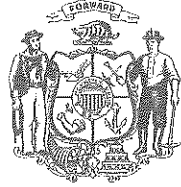


RICK GUNDRUM

STATE REPRESENTATIVE • 58TH ASSEMBLY DISTRICT

proceedings by requiring the certified transcript of the original recording to be filed with the clerk of courts office.

Thank you for your time and consideration.



Van H. Wanggaard

Wisconsin State Senator

Testimony on Assembly Bill 84

April 15, 2021

Thank you Chairman Tusler, and committee members, for hearing Assembly Bill 84 today. This bill will help the courts streamline their proceedings by eliminating an unnecessary provision regarding telephone-sworn search warrants that can hinder Wisconsin's circuit courts.

Current law allows circuit courts to receive search warrant requests over the phone but requires that the requestor's statement is recorded, transcribed, and certified as accurate by a court reporter or presiding judge. Further, current law requires that both the transcript of the request as well as the original recording must be filed with the clerk of courts despite the fact they contain identical statements. This requirement takes up increasingly limited digital and physical storage space, which places a burden on counties.

AB 84 removes the duplicative statutory requirement that the recording be stored and instead allows the official transcript to be included in the record. Transcripts are permitted into cases during other proceedings throughout the court process and should be sufficient for telephone-sworn search warrants as well.

Again, thank you for your consideration of Assembly Bill 84. I hope you support the passage of this common sense fix.

Serving Racine and Kenosha Counties - Senate District 21

State Capitol, P.O. Box 7882, Madison, WI 53707-7882 • (608) 266-1832 • Toll-free (866) 615-7510
Sen.Wanggaard@legis.wi.gov • SenatorWanggaard.com



Office of the County Executive
Joshua Schoemann, County Executive

Herbert J. Tennes Government Center
432 E. Washington Street, Room 3029
P.O. Box 1986
West Bend, WI 53095-7986
(262) 306-2200

Assembly Committee on Judiciary

Testimony on Assembly Bill 84

Thank you Representative Tussler for holding a public hearing on Assembly Bill 84, relating to voice recordings of testimony that forms the basis of an application for a search warrant.

Washington County supports this legislation in effort to bring improved efficiencies in the offices of Clerk of Courts and Sheriff's Department in removing a duplicate requirement in state statute 968.12(3)(d) governing the recording, certification and retention of telephone search warrant records.

Currently, telephone-sworn search warrant requests are recorded then transcribed by a certified court reporter and the original voice recording kept on file with the clerk of courts for a number of years depending on the type of violation, resulting in storage issues for the clerk of courts. A court reporter's transcript is the official record of the court, serving as the basis for public documents, and once transcribed it is unnecessary for other county departments to maintain duplicate recordings and testimony. As future cases continue to add to volume of storage on electronic devices this legislation is a common sense fix to reducing time and cost in maintaining duplicate records.

Washington County supports passage of Assembly Bill 84 allowing for efficiency in court proceedings by removing duplicate requirements of filing both voice recordings and written transcripts of recordings relating to search warrants.

Thank you for consideration of my written testimony.