

State of Wisconsin



2023 Senate Bill 119

Date of enactment: **March 27, 2024**

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2023 WISCONSIN ACT 223

AN ACT to amend 19.36 (8) (b) and 59.20 (3) (a) of the statutes; relating to: public records identifying confidential law enforcement informants.

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

SECTION 1. 19.36 (8) (b) of the statutes is amended to read:

19.36 (8) (b) If an authority ~~that is a law enforcement agency~~ receives a request to inspect or copy a record or portion of a record under s. 19.35 (1) (a) that contains specific information including but not limited to a name, address, telephone number, voice recording, or handwriting sample ~~which~~ that, if disclosed, would identify an informant, the authority shall 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, shall withhold the record unless the legal custodian of the record, designated under s. 19.33, makes a determination, at the time that the request is made, that the public interest in allowing a person to inspect, copy or receive a copy of such identifying information outweighs the harm done to the public interest by providing such access.

SECTION 2. 59.20 (3) (a) of the statutes is amended to read:

59.20 (3) (a) Every sheriff, clerk of the circuit court, register of deeds, treasurer, comptroller, register of probate, clerk, and county surveyor shall keep his or her office at the county seat in the offices provided by the county or by special provision of law; or if there is none, then at such place as the board directs. The board may also require any elective or appointive county official to keep his or her office at the county seat in an office to be provided by the county. All such officers shall keep their offices open during the usual business hours of any day except Sunday, as the board directs. With proper care, the officers shall open to the examination of any person 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 as authorized in par. (c) and ss. 19.36 (10) and (11) and 19.59 (3) (d) or under ch. 69 and except as authorized in s. 19.36 (8) to the extent the books, records, papers, or minutes contain information that would identify an informant as such.

SECTION 3. Initial applicability.

(1) This act first applies to a public records request pending with an authority on the effective date of this subsection.

* 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."