

State of Wisconsin



2025 Senate Bill 191

Date of enactment:
Date of publication*:

2025 WISCONSIN ACT

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

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

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

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

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

(b) "Public officer" and "public employee" have the meaning given in s. 939.22 (30).

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

(d) "Work address" means the street address of the primary location of the employer where an individual who is subject to subpoena under sub. (2) is or was employed at the time of the events or actions that are subject to subpoena.

(2) Notwithstanding s. 885.03, a subpoena to be served upon a law enforcement officer, tribal law enforcement officer, public officer, or public employee whose testimony will be regarding events or actions taken in the individual's official capacity or within the scope of the individual's employment as a law enforcement officer, tribal law enforcement officer, public officer, or public employee may be served only at the indi-

vidual's work address. The subpoena may be served by exhibiting and reading it to the individual, by giving the individual a copy thereof, or by leaving a copy at the individual's work address with an employee authorized to receive the subpoena.

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

971.23 (12) DEFINITIONS. In this section:

(a) 1. Subject to subs. 2. and 3., "address" means an individual's residential street address.

2. If the individual under subd. 1. is a witness who is a law enforcement officer, tribal law enforcement officer, public officer, or public employee whose testimony will be regarding events or actions taken in the individual's official capacity or within the scope of the individual's employment, "address" means the street address of the primary location of the employer where the individual is or was employed at the time of the events or actions that are subject to discovery under this section.

3. If the individual under subd. 1. is a witness who is a participant in the address confidentiality program under s. 165.68, "address" means the assigned address designated for the individual by the department of justice.

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

(c) "Public officer" and "public employee" have the meaning given in s. 939.22 (30).

* 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."

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

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

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

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

972.11 (5) (a) In this subsection:

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

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

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

(b) Any subpoena shall be served in the manner provided in s. 805.07 (5). Notwithstanding substituted personal service as provided in ss. 801.11 and 885.03, when the witness is a law enforcement officer, tribal law enforcement officer, public officer, or public employee whose testimony will be regarding events or actions taken in the individual’s official capacity or within the scope of the individual’s employment, the subpoena shall be served in the manner provided in s. 885.035.
