



Supreme Court of Wisconsin

OFFICE OF COURT COMMISSIONERS

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June 16, 2022

Honorable Michael Bohren, Chair
Planning & Policy Advisory Committee
515 West Moreland Blvd.
Waukesha, WI 53188

Re: Rule Petition 21-06, In re Amendment of SCR Chapter 68 Relating to Court Security, Facilities, and Staffing

Dear Judge Bohren:

I am assisting the Wisconsin Supreme Court with its consideration of rule petition 21-06, filed on October 21, 2021. At a closed conference on January 11, 2022, the court discussed this matter and voted to solicit written comment and to conduct a public hearing in September 2022 at a date to be determined once the court has finalized its calendar for the 2022-23 term. On June 15, 2022, a letter to interested persons was circulated requesting comment in advance of the public hearing.

In addition, the court invites the Planning & Policy Advisory Committee (PPAC) Court Security Subcommittee to provide a more extensive explanation for the following proposed changes in the petition:

Section 4. Section 4 of the petition proposes deleting the existing Comment to SCR 68.01 which cites to 2011 Wisconsin Act 35 (the "concealed carry" legislation) which was enacted when existing Chapter 68 was under consideration. The existing Comment states that the legislation was deemed beyond the scope of Chapter 68 and that Chapter 68 was not intended to address issues presented by 2011 Wisconsin Act 35 or regarding the constitutional right to bear arms.

The memo in support of the petition states that this Comment is no longer needed because "[t]he addition of language in proposed SCR [68.05(4)(i)] directs local court security and facility committees to develop a procedure for allowing the possession of firearms by those who are statutorily authorized to do so." That change in Section 15 of the petition proposes the following amendment:

68.05 (4)-(g) (i) A policy regarding possession of firearms by law enforcement officers who appear as witnesses, litigants, or who are present on personal business in the court facility.

~~Comment: There is a difference of opinion whether sworn officers or law enforcement officers who appear as witnesses, litigants, or on personal business should be permitted to carry a firearm in court facilities.~~

Does this proposed change sufficiently address the constitutional right to bear arms?

Section 5. Section 5 of the petition proposes amending SCR 68.03 (2). The court encourages the petitioner to monitor this court's consideration of the videoconferencing petition (20-09A) to ensure there is consistency in the language used to refer to videoconferencing technology. Should there be a cross-reference to the proposed rule change that would permit relocation of court to a remote location?

Section 7. Section 7 of the petition proposes a Comment to SCR 68.05 (2) that would read:

Committees created under this rule generally are not subject to requirements of the Wisconsin Open Meetings Law. However, if public officials in attendance generate a quorum of a different public body, open meetings guidelines for that body must be followed.

The petitioner is invited to address the basis for this Comment? Should the Comment cite some authority in support of this Comment?

Section 71. Section 71 of the petition proposes amending and moving the Comment that currently follows SCR 68.10 (5) to follow SCR 68.10 (6). The Comment makes reference to Chapter 885, Use of Videoconferencing in the Circuit Courts and includes this suggested change:

Any filming and photographing of proceedings must comply with SCR Ch. 61 Rules Governing Electronic Media and Still Photography Coverage of Judicial Proceedings. ~~Placement of the cameras shall be at the discretion of the court and shall not obstruct public access or interfere with security in the courtroom. Ideally, a separate media viewing room may be built adjacent to one or more courtrooms, with one-way windows for filming and photographing proceedings, at an angle that inhibits photographing of jurors, and with sound transmitted from the courtroom.~~

The petitioner is invited to address whether this proposed Comment should be modified to consider the increasing use of videoconference technology and tracked for consistency with S. Ct. Order 21-03 (Location of Court), 2002 WI 23 (issued Apr. 21, 2022, eff. July 1, 2022, and the pending amended videoconferencing petition (20-09A).

Section 78: The petition at Section 78 proposes amending SCR 68.13 as follows:

(1) The director of state courts shall maintain a list of ~~all projects of~~ significant construction and ~~significant~~ remodeling of projects affecting court facilities in the state. ~~Judges in a county where a project is undertaken shall notify the director of state courts of the project.~~

The petitioner is invited to address why the petition proposes eliminating notice to the Director of State Courts.

The court requests the PPAC Court Security Committee submit a written response to these questions by Monday, August 8, 2022 with the Clerk of Supreme Court, Attention: Deputy Clerk-Rules, P.O. Box 1688, Madison, WI 53701-1688. Please also email a Microsoft Word version of your response to clerk@wicourts.gov. See comment guidelines at the court's website at <https://www.wicourts.gov/scrules/process.htm>.

If you have specific questions or other comments regarding this matter, please contact me.

Very truly yours,

/s/

Julie Anne Rich

Supreme Court Commissioner

cc: Chief Justice Annette Kingsland Ziegler
Justice Ann Walsh Bradley
Justice Patience Drake Roggensack
Justice Rebecca Grassl Bradley
Justice Rebecca Frank Dallet
Justice Brian Hagedorn
Justice Jill J. Karofsky
Diane M. Fremgen, Deputy Director of State Courts,
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