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West's Wisconsin Statutes Annotated [Currentness](#)

Courts (Ch. 750 to 764)

▢ [Chapter 757](#). General Provisions Concerning Courts of Record, Judges, Attorneys and Clerks ([Refs & Annos](#))

➔ **757.54. Retention and disposal of court records**

(1) Except as provided in sub. (2), the retention and disposal of all court records and exhibits in any civil or criminal action or proceeding or probate proceeding of any nature in a court of record shall be determined by the supreme court by rule.

(2)(a) In this subsection:

1. "Custody" has the meaning given in [s. 968.205\(1\)\(a\)](#).
2. "Discharge date" has the meaning given in [s. 968.205\(1\)\(b\)](#).

(b) Except as provided in par. (c), if an exhibit in a criminal action or a delinquency proceeding under ch. 938 includes any biological material that was collected in connection with the action or proceeding and that is either from a victim of the offense that was the subject of the action or proceeding or may reasonably be used to incriminate or exculpate any person for the offense, the court presiding over the action or proceeding shall ensure that the exhibit is retained until every person in custody as a result of the action or proceeding, or as a result of commitment under [s. 980.06](#) that is based on a judgment of guilty or not guilty by reason of mental disease or defect in the action or proceeding, has reached his or her discharge date.

(bm) The court shall ensure that an exhibit to which par. (b) applies is retained in an amount and manner sufficient to develop a deoxyribonucleic acid profile, as defined in [s. 939.74\(2d\)\(a\)](#), from the biological material contained in or included on the exhibit.

(c) Subject to par. (e), the court may destroy an exhibit that includes biological material before the expiration of the time period specified in par. (b) if all of the following apply:

1. The court sends a notice of its intent to destroy the exhibit to all persons who remain in custody as a result of the criminal action, delinquency proceeding, or commitment under [s. 980.06](#) and to either the attorney of record for each person in custody or the state public defender.
2. No person who is notified under subd. 1 does either of the following within 90 days after the date on which

the person received the notice:

a. Files a motion for testing of the exhibit under [s. 974.07\(2\)](#).

b. Submits a written request for retention of the exhibit to the court.

3. No other provision of federal or state law requires retention of the exhibit.

(d) A notice provided under par. (c)1. shall clearly inform the recipient that the exhibit will be destroyed unless, within 90 days after the date on which the person receives the notice, either a motion for testing of the exhibit is filed under [s. 974.07\(2\)](#) or a written request for retention of the exhibit is submitted to the court.

(e) If, after providing notice under par. (c)1. of its intent to destroy an exhibit, a court receives a written request for retention of the exhibit, the court shall ensure that the exhibit is retained until the discharge date of the person who made the request or on whose behalf the request was made, subject to a court order issued under [s. 974.07\(7\)](#), [\(9\)\(a\)](#), or [\(10\)\(a\)5.](#), unless the court orders destruction or transfer of the exhibit under [s. 974.07\(9\)\(b\)](#) or [\(10\)\(a\)5.](#)

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