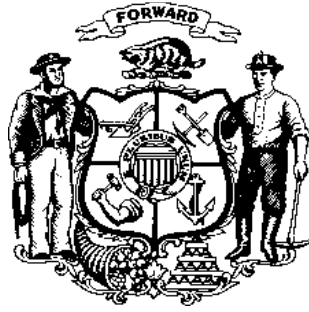




## Wisconsin Judicial Council

*William Gleisner, III, Chair*  
*Margo Kirchner, Vice-Chair*

### Criminal Procedure Committee - Meeting Minutes

#### Virtual Meeting

**April 30, 2026**

Members Present: Chair Daniel J. Blinka, Rebecca Maki-Wallander, Lanny Glinberg, Jeremy Perri, Kara Janson, and Adam Plotkin

Members Excused: Saveon Grenell

#### I. Introductions and quorum confirmed

#### II. Approval of minutes

Professor Glinberg moved to approve the March 12, 2026, minutes without amendment. Attorney Janson seconded. Minutes were approved.

#### III. Discussion about DNA swab surcharge statute

Attorney Janson updated the group that she was in discussion with some superiors on the financial questions previously raised by the group regarding the surcharge. She was hopeful to get more information for the group within the next few weeks. Attorney Blinka reviewed with the group one of the proposed changes to the language and questioned if prosecutors could determine if an individual had previously provided DNA. Attorney Janson indicated her belief that that information was likely privileged by the crime lab. The group discussed the framework for how a court could determine if the sample had been submitted. Attorney Janson referenced the *Scruggs*<sup>1</sup> decision and that the Supreme Court did determine the surcharge was constitutional and had a legitimate government purpose. Attorney Blinka agreed that was the finding, and that there may be a discussion of adjustment of cost of the surcharge. There was group consensus that there must be waiver option in the revised statute. There was further group consensus

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<sup>1</sup> *State v. Scruggs*, 65 Wis.2d 568, 2015 WI App 88, 872 N.W.2d 146

to wait for updates from DOJ and more information on the financial impact of the surcharge.

#### IV. Discussion of Wis. Stat. § Chapter 975

The committee discussed whether the statute was confirmed as obsolete. Attorney Janson stated that from discussion with other DOJ staff, no one uses Wis. Stat. § 975. Attorney Zibolski reviewed the information she received from the Legislative Reference Bureau indicated that DHS had recently eliminated its administrative code related to Wis. Stat. § 975, stating no one remained in custody related to the statute and the statute should be considered for removal. There was consensus that the committee should recommend removal of the statute. Attorney Plotkin stated that this should wait until the next legislative cycle as no bills will be considered until that time. Further, he pointed out that in previous attempts to rewrite the criminal procedure code, Wis. Stat. 975 was preserved as a “catch all” section for some renumbered statutes. There was consensus to hold recommendations related to Wis. Stat. § 975 until the next legislative session.

#### V. Discussion of post-conviction court competency standards

Attorney Perri indicated there is another group working on this issue with the Director of State Courts office. There was consensus that the Committee would not pursue this topic further.

#### VI. Exploration of new topics for consideration by the committee

Professor Glinberg continued discussion of reviewing the prior project to revise the criminal procedure code. He stated he had found some documentation at the State Law Library. Attorney Perri agreed to send to Attorney Zibolski a copy of the prior explanation of the project that he had. Attorney Zibolski was to distribute it to the group. There was consensus to continue review of this project for future action.

Attorney Blinka stated he invited the newly elected State Bar representative to join the committee, and that he accepted.

Attorney Zibolski asked whether anyone had a suggestion for a judge to join the committee. The discussion was tabled by consensus.

#### VII. Adjournment

Attorney Perri moved to adjourn. Professor Glinberg seconded. Adjourned.