1997 SENATE BILL 492

March 10, 1998 – Introduced by Senator BURKE, cosponsored by Representative WALKER. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1 AN ACT *to create* 757.69 (1) (bm) of the statutes; **relating to:** the powers of

2 full–time court commissioners.

Analysis by the Legislative Reference Bureau

Under current law, court commissioners, with the approval of the chief judge, may issue summonses, arrest warrants or search warrants, conduct initial appearances and set bail. A full–time court commissioner, with the approval of the chief judge, may conduct the preliminary examination and arraignment in a criminal case and accept a guilty plea if both the state and the defendant agree.

Under the bill, a full–time court commissioner in any county with a population of 500,000 or more, with the approval of the chief judge, may sentence the defendant in misdemeanor cases if there is a stipulation between the state and the defendant. In addition, the court commissioner may review probation revocation hearings in misdemeanor cases. Any sentence imposed by the court commissioner is subject to review by a judge if either party requests court review within 15 days after the sentence is imposed.

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

3 SECTION 1. 757.69 (1) (bm) of the statutes is created to read:

4 757.69 **(1)** (bm) If a full–time court commissioner in a county having a

5 population of 500,000 or more:

1   1. Sentence the defendant in misdemeanor cases if there is a stipulation as to

2   the sentence between the state and the defendant. A sentence imposed under this

3   subdivision is subject to review by a judge if the state or the defendant moves for

4   review of the sentence within 15 days after imposition of the sentence.

5   2. Review probation revocation hearings in misdemeanor cases.

6   **SECTION 2. Initial applicability.**

7   (1) This act first applies to violations committed on the effective date of this

8   subsection.

9   **(END)**