

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/21/99**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Walter**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - district attys**

Extra Copies: **MGD
RAC**

Pre Topic:

SDC:.....Walter - Caucus # 2728,

Topic:

State prosecutor's office

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	olsenje 06/23/99	ygeller 06/26/99	kfollet 06/27/99	_____	gretskl 06/27/99		

FE Sent For:

<END>

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/1	olsenje	11 6/20/99 J	KJF 6/27	KJF/JF 6/27			

FE Sent For:

<END>

yes *SDC*

Agency: District Attorneys

60812

caucus number: 2728

duplicate flag:

duplicate with:

Other reference numbers:	LFB Sum #:
FM 209	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Adopt FM 209 which transfers the State Prosecutor's Office from the Department of Administration to the Department of Justice.

other notes:

drafting instructions: Adopt Freestanding motion 209 (see above)

more instructions:

Agency: **District Attorneys**

Number of Amendments: 1

CN2728

Adopt Freestanding Motion 209, which transfers the State Prosecutor's Office from the Department of Administration to the Department of Justice.

60812

Representative Huber

DISTRICT ATTORNEYS

Transfer State Prosecutor's Office to the Department of Justice

Motion:

505(c)(a)

Move to: (a) decrease the Department of Administration's appropriation by \$200,300 GPR and 3.5 GPR positions annually; and (b) create an appropriation under the Department of Justice and provide \$200,300 GPR and 3.5 GPR positions annually to reflect the transfer of the State Prosecutor's Office from the Department of Administration to the Department of Justice.

prosecutors: 378 FTE base + changes (+ & -) in budget
20.4
398.4 ≈ 398.4

Note:

Currently, the State Prosecutor's Office is housed within the Department of Administration (DOA). The State Prosecutor's Office administers the state employment of all district attorneys, deputy district attorneys and assistant district attorneys. It also reviews and pays the compensation of special prosecutors for the 71 district attorneys' offices. This motion would transfer the State Prosecutor's Office from DOA to the Department of Justice's Legal Services program.

MO#	Y	N
Burke	Y	N
Decker	Y	N
Jauch	Y	N
Moore	Y	N
Shibilaki	Y	N
Plache	Y	N
Cowles	Y	N
Panzer	Y	N
Gard	Y	N
Porter	Y	N
Kaufert	Y	N
Albers	Y	N
Duff	Y	N
Ward	Y	N
Huber	Y	N
Riley	Y	N

Carls
8-8

✓ 17.11(4)

(4) (intro.) If it is determined in the action or proceeding or is found upon the investigation that a **district attorney** or sheriff suspended under this section is not guilty of an offense, or has not wilfully neglected or refused to perform his or her duties, as charged, that fact shall be certified by the governor to the department of **administration** if a **district attorney** is involved or to the county clerk of the sheriff's county if a sheriff is involved. Upon the certification, the **district attorney** or sheriff shall be:

✓ 19.01(4)(bn)

(bn) With the secretary of **administration: district attorneys.**

✓ 19.42(5)

(5) "Department" means the legislature, the university of Wisconsin system, any authority or public corporation created and regulated by an act of the legislature and any office, department, independent agency or legislative service agency created under ch. 13, 14 or 15, any technical college **district** or any constitutional office other than a judicial office. In the case of a **district attorney**, "department" means the department of **administration** unless the context otherwise requires.

✓ 20.475

20.475 (intro.) **District attorneys.** There is appropriated to the department of **administration** for the following programs:

✓ 20.923(6)(ac)

(ac) **Administration**, department of: deputy and assistant **district attorneys.**

✓ 46.215(1)(a)

de (a) To make investigations relating to relief or welfare **administration** and admissions to state, county and other institutions upon request of court, superintendent, **district attorney**, veterans' service commission or any other county official.

✓ 48.09(5)

(5) By the **district attorney** or, if designated by the county board of supervisors, by the corporation counsel, in any matter arising under s. 48.13, 48.133 or 48.977. If the county board transfers this authority to or from the **district attorney** on or after May 11, 1990, the board may do so only if the action is effective on September 1 of an odd-numbered year and the board notifies the department of **administration** of that change by January 1 of that odd-numbered year.

✓ 11.815(3)

(3) With regard to collective bargaining activities involving employes who are assistant **district attorneys**, the secretary of the department shall maintain close liaison with the department of **administration.**

938.06(1)(a)1.

✓ K. In counties with a population of 500,000 or more, the county board of supervisors shall provide the court with the services necessary for investigating and supervising cases under this chapter by operating a children's court center under the supervision of a director who is appointed as provided in s. 46.21 (1m) (a). The director is the chief administrative officer of the center and of the intake and probation sections and secure detention facilities of the center except as otherwise provided in this subsection. The director is charged with administration of the personnel and services of the sections and of the secure detention facilities, and is responsible for supervising both the operation of the physical plant and the maintenance and improvement of the buildings and grounds of the center. The center shall include investigative services for all juveniles alleged to be in need of protection or services to be provided by the county department. The center shall also include the services of an assistant district attorney or assistant corporation counsel or both, who shall be assigned to the center to provide investigative as well as legal work in the cases under this chapter and ch. 48.

938.09(2)

✓ (2) By the district attorney or, if designated by the county board of supervisors, by the corporation counsel, in any matter concerning a civil law violation arising under s. 938.125. If the county board transfers this authority to or from the district attorney on or after May 11, 1990, the board may do so only if the action is effective on September 1 of an odd-numbered year and the board notifies the department of administration of that change by January 1 of that odd-numbered year.

938.09(5)

✓ (5) By the district attorney or, if designated by the county board of supervisors, by the corporation counsel, in any matter arising under s. 938.13. If the county board transfers this authority to or from the district attorney on or after May 11, 1990, the board may do so only if the action is effective on September 1 of an odd-numbered year and the board notifies the department of administration of that change by January 1 of that odd-numbered year.

978.03(1)

✓ (1) The district attorney of any prosecutorial unit having a population of 500,000 or more may appoint 4 deputy district attorneys and such assistant district attorneys as may be requested by the department of administration and authorized in accordance with s. 16.505. The district attorney shall rank the deputy district attorneys for purposes of carrying out duties under this section. The deputies, according to rank, may perform any duty of the district attorney, under the district attorney's direction. In the absence or disability of the district attorney, the deputies, according to rank, may perform any act required by law to be performed by the district attorney. Any such deputy must have practiced law in this state for at least 2 years prior to appointment under this section.

978.03(1m)

✓ (1m) The district attorney of any prosecutorial unit having a population of 200,000 or more but not more than 499,999 may appoint 3 deputy district attorneys and such assistant district

attorneys as may be requested by the department of administration and authorized in accordance with s. 16.505. The district attorney shall rank the deputy district attorneys for purposes of carrying out duties under this section. The deputies, according to rank, may perform any duty of the district attorney, under the district attorney's direction. In the absence or disability of the district attorney, the deputies, according to rank, may perform any act required by law to be performed by the district attorney. Any such deputy must have practiced law in this state for at least 2 years prior to appointment under this section.

978.03(2)

(2) The district attorney of any prosecutorial unit having a population of 100,000 or more but not more than 199,999 may appoint one deputy district attorney and such assistant district attorneys as may be requested by the department of administration and authorized in accordance with s. 16.505. The deputy may perform any duty of the district attorney, under the district attorney's direction. In the absence or disability of the district attorney, the deputy may perform any act required by law to be performed by the district attorney. The deputy must have practiced law in this state for at least 2 years prior to appointment under this section.

978.03(3)

(3) Any assistant district attorney under sub. (1), (1m) or (2) must be an attorney admitted to practice law in this state and may perform any duty required by law to be performed by the district attorney. The district attorney of the prosecutorial unit under sub. (1), (1m) or (2) may appoint such temporary counsel as may be authorized by the department of administration.

978.04

978.04 Assistants in certain prosecutorial units. The district attorney of any prosecutorial unit having a population of less than 100,000 may appoint one or more assistant district attorneys as necessary to carry out the duties of his or her office and as may be requested by the department of administration authorized in accordance with s. 16.505. Any such assistant district attorney must be an attorney admitted to practice law in this state and may perform any duty required by law to be performed by the district attorney.

978.045(1g)

(1g) A court on its own motion may appoint a special prosecutor under sub. (1r) or a district attorney may request a court to appoint a special prosecutor under that subsection. Before a court appoints a special prosecutor on its own motion or at the request of a district attorney for an appointment that exceeds 6 hours per case, the court or district attorney shall request assistance from a district attorney, deputy district attorney or assistant district attorney from other prosecutorial units or an assistant attorney general. A district attorney requesting the appointment of a special prosecutor, or a court if the court is appointing a special prosecutor on its own motion, shall notify the department of administration, on a form provided by that department, of the district attorney's or the court's inability to obtain assistance from another prosecutorial unit or from an assistant attorney general.

978.12(1)(c)

ok
(c) Assistant district attorneys. Assistant district attorneys shall be employed outside the classified service. For purposes of salary administration, the secretary of employment relations shall establish one or more classifications for assistant district attorneys in accordance with the classification or classifications allocated to assistant attorneys general. Except as provided in s. 111.93 (3), the salaries of assistant district attorneys shall be established and adjusted in accordance with the state compensation plan for assistant attorneys general whose positions are allocated to the classification or classifications established by the secretary of employment relations.

978.12(5)(c)1.

1. The salaries authorized under this section for the district attorney and the state employees of the office of district attorney shall be paid by the state treasurer to the county treasurer pursuant to a voucher submitted by the district attorney to the department of administration. The county treasurer shall pay the amounts directly to the district attorney and state employees of the office of district attorney and the amounts paid shall be subject to the retirement system established under chapter 201, laws of 1937.

978.13(1)(b)

(b) In counties having a population of 500,000 or more, the salary and fringe benefit costs of 2 clerk positions providing clerical services to the prosecutors in the district attorney's office handling cases involving felony violations under ch. 961. The state treasurer shall pay the amount authorized under this paragraph to the county treasurer pursuant to a voucher submitted by the district attorney to the department of administration from the appropriation under s. 20.475 (1) (i). The amount paid under this paragraph may not exceed \$70,500 in the 1997-98 fiscal year and \$73,000 in the 1998-99 fiscal year.

978.13(1)(c)

(c) In counties having a population of 500,000 or more, the salary and fringe benefit costs of clerk positions in the district attorney's office necessary for the prosecution of violent crime cases primarily involving felony violations under s. 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05, 940.06, 940.225, 943.23 (1g), (1m) and (1r) and 943.32 (2). The state treasurer shall pay the amount authorized under this paragraph to the county treasurer pursuant to a voucher submitted by the district attorney to the secretary of administration from the appropriation under s. 20.475 (1) (i). The amount paid under this paragraph may not exceed \$88,500 in the 1997-98 fiscal year and \$91,600 in the 1998-99 fiscal year.

Compiled from: *b0478/2.1*

Current Draft: LRBs0095/1

16.004 (13) **UNFUNDED PRIOR SERVICE FOR ASSISTANT DISTRICT ATTORNEYS.**

Beginning in the 1999-2000 fiscal year and ending in the 2003-04 fiscal year, the department shall pay \$80,000 in each fiscal year from the appropriation account under s. 20.475 (1) (d) toward the department's unfunded prior service liability under the Wisconsin retirement system that results from granting the creditable service under s. 40.02 (17) (gm).

Compiled from: *-1265/7.1*

Current Draft: LRBs0095/1

16.971 (9) In conjunction with the public defender board, the director of state courts, the departments of corrections and justice and **district attorneys**, the division may maintain, promote and coordinate automated justice information systems that are compatible among counties and the officers and agencies specified in this subsection, using the moneys appropriated under s. 20.505 (1) (ja) and (kp) and (kq). When acting under this subsection, the division shall give priority to assisting counties that show the greatest need for additional assistant district attorney positions based on the weighted prosecutor caseload measurement formula developed by the department of administration under s. 978.042 (1), unless such a county informs the division that it does not want to be given priority in receiving assistance. The division shall annually report to the legislature under s. 13.172 (2) concerning the division's efforts to improve and increase the efficiency of integration of justice information systems.

20.475 District attorneys (1) District attorneys

(d) Salaries and fringe benefits	GPR	A	33,343,200	33,600,400
(f) Firearm prosecution costs; firearm law media campaign	GPR	A	153,300	124,400
(h) Gifts and grants	PR	C	1,163,000	1,163,000
(i) Other employes	PR	A	169,600	174,700
(k) Interagency and intra-agency assistance	PR-S	C	96,400	-0-
(m) Federal aid	PR-F	C	-0-	-0-

20.475 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			33,496,500	33,724,800
PROGRAM REVENUE			1,429,000	1,337,700
FEDERAL			(-0-)	(-0-)
OTHER			(1,332,600)	(1,337,700)
SERVICE			(96,400)	(-0-)
TOTAL-ALL SOURCES			34,925,500	35,062,500

Compiled from: *b0478/2.2*

Current Draft: LRBs0095/1

20.475 (1) (d) Salaries and fringe benefits. The amounts in the schedule for salaries and fringe benefits of **district attorneys** and state employes of the office of the **district attorney** and, for payments under s. 978.045 (2) (b) and, beginning in the 1999-2000 fiscal year and ending in the 2003-04 fiscal year, for a payment of \$80,000 in each fiscal year toward the department of administration's unfunded prior service liability under the Wisconsin retirement system that results from granting the creditable service under s. 40.02 (17) (gm).

Compiled from: *-0236/2.2*

Current Draft: LRBs0095/1

23.65 (1) When it appears to the **district attorney** that a violation of s. 134.60, 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 or 299.64 (2), this chapter or ch. 26, 27, 28, 29, 30, 31 or 350, or any administrative rule promulgated pursuant thereto, or a violation specified under s. 285.86 has been committed the **district attorney** may proceed by complaint and summons.

Compiled from: *-0236/2.3*

Current Draft: LRBs0095/1

23.65 (3) If a **district attorney** refuses or is unavailable to issue a complaint, a circuit judge, after conducting a hearing, may permit the filing of a complaint if he or she finds there is probable cause to believe that the person charged has committed a violation of s. 287.07, 287.08 or 287.81, this chapter or ch. 26, 27, 28, 29, 30, 31 or 350 or a violation specified under s. 285.86. The **district attorney** shall be informed of the hearing and may attend.

Compiled from: *b0478/2.3*

Current Draft: LRBs0095/1

40.02 (17) (gm) Any assistant **district attorney** in a county having a population of 500,000 or more who did not have vested benefit rights under the retirement system established under chapter 201, laws of 1937, who became a participating employe on January 1, 1990, and who is a participating employe on the effective date of this paragraph [revisor inserts date], shall receive creditable service for the total period of his or her service under the retirement system established under chapter 201, laws of 1937.

Compiled from: *b0523/3.3*

Current Draft: LRBs0095/1

109.09 (1) The department shall investigate and attempt equitably to adjust controversies between employers and employes as to alleged wage claims. The department may receive and investigate any wage claim which is filed with the department, or received by the department under s. 109.10 (4), no later than 2 years after the date the wages are due. The department may, after receiving a wage claim, investigate any wages due from the employer against whom the claim is filed to any employe during the period commencing 2 years before the date the claim is filed. The department shall enforce this chapter and ss. 20.924 (1) (i) 1., 2. and 3. and (j) 3., 66.293, 103.02, 103.49, 103.82 and 104.12. In pursuance of this duty, the department may sue the employer on behalf of the employe to collect any wage claim or wage deficiency and ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. Except for actions under s. 109.10, the department may refer such an action to the **district attorney** of the county in which the violation occurs for prosecution and collection and the **district attorney** shall commence an action in the circuit court having appropriate jurisdiction. Any number of wage claims or wage deficiencies against the same employer may be joined in a single proceeding, but the court may order separate trials or hearings. In actions that are referred to a **district attorney** under this subsection, any taxable costs recovered by the **district attorney** shall be paid into the general fund of the county in which the violation occurs and used by

that county to meet its financial responsibility under s. 978.13 (2) for the operation of the office of the district attorney who prosecuted the action.

✓ Compiled from: *b0607/3.11*

Current Draft: LRBs0095/1

121.07 (6) (a) "Shared cost" is the sum of the net cost of the general fund and the net cost of the debt service fund, except that "shared cost" excludes any costs, including attorney fees, incurred by a school district as a result of its participation in a lawsuit commenced against the state, beginning with such costs incurred in the fiscal year in which the lawsuit is commenced and excludes the costs of transporting those transfer pupils for whom the school district operating under ch. 119 does not receive intradistrict transfer aid under s. 121.85 (6) as a result of s. 121.85 (6) (am). In this paragraph, "net cost of the debt service fund" includes all of the following amounts:

✓ Compiled from: *b0519/4.15*

Current Draft: LRBs0095/1

227.01 (1) "Agency" means the Wisconsin land council or a board, commission, committee, department or officer in the state government, except the governor, a district attorney or a military or judicial officer.

✓ Compiled from: *b0519/4.15*

Current Draft: LRBs0095/1

227.01 (1) "Agency" means ~~the Wisconsin land council~~ or a board, commission, committee, department or officer in the state government, except the governor, a district attorney or a military or judicial officer.

✓ Compiled from: *-0063/2.19*

Current Draft: LRBs0095/1

778.18 Penalty upon municipal judge. If any municipal judge, of his or her own will, dismisses any action brought before the judge under this chapter, unless by order of the district attorney or attorney general or the person joined as plaintiff with the state, or renders a less judgment therein than is prescribed by law, or releases or discharges any such judgment or part thereof without payment or collection, the judge and the judge's sureties shall be liable, in an action upon the judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture imposed by the judge and for the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer information assessment imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s. 973.055 (1), or for an amount equal to the amount in which any such judgment or any part thereof is released or discharged. If any municipal judge gives time or delay to any person against whom any such judgment is rendered by the judge, or takes any bond or security for its future payment, the judge and the judge's sureties shall also be liable for the payment of the judgment upon the judge's bond.

✓ Compiled from: *-1732/1.5*

Current Draft: LRBs0095/1

938.24 (5) The intake worker shall request that a petition be filed, enter into a deferred prosecution agreement or close the case within 40 days or sooner of receipt of referral information. Before entering into a deferred prosecution agreement, the intake worker shall comply with s. 938.245 (1m), if applicable. If the case is closed or a deferred prosecution agreement is entered into, the district attorney, corporation counsel or other official under s. 938.09 shall receive written notice of such action. If the case is closed, the known victims of the juvenile's alleged act shall receive notice as provided under sub. (5m), if

applicable. ~~In addition, if a deferred prosecution agreement is entered into placing a juvenile in a youth village program as described in s. 118.42, the judge or juvenile court commissioner shall receive written notice of such action and, on receipt of that notice, shall enter an order requiring compliance with that agreement.~~ A notice of deferred prosecution of an alleged delinquency case shall include a summary of the facts surrounding the allegation and a list of prior intake referrals and dispositions. If a law enforcement officer has made a recommendation concerning the juvenile, the intake worker shall forward this recommendation to the **district attorney** under s. 938.09. Notwithstanding the requirements of this section, the **district attorney** may initiate a delinquency petition under s. 938.25 within 20 days after notice that the case has been closed or that a deferred prosecution agreement has been entered into. The judge shall grant appropriate relief as provided in s. 938.315 (3) with respect to any such petition which is not referred or filed within the time limits specified within this subsection. Failure to object if a petition is not referred or filed within a time limit specified in this subsection waives that time limit.

Compiled from: *-1732/1.9*

Current Draft: LRBs0095/1

938.245 (4) The intake worker shall inform the juvenile and the juvenile's parent, guardian and legal custodian in writing of their right to terminate ~~or, if the juvenile is subject to a deferred prosecution agreement under sub. (2) (a) 9., to request the court to terminate the deferred prosecution agreement at any time or to object at any time to the fact or terms of the deferred prosecution agreement.~~ If an objection arises the intake worker may alter the terms of the agreement or request the **district attorney** or corporation counsel to file a petition. If the deferred prosecution agreement is terminated the intake worker may request the **district attorney** or corporation counsel to file a petition.

Compiled from: *b0256/1.1*

Current Draft: LRBs0095/1

978.01 (2) (b) A **district attorney** serves on a part-time basis if his or her prosecutorial unit consists of Buffalo, Florence, Forest, Pepin, ~~Richland, Rusk,~~ Trempealeau or Vernon county.

Compiled from: *-1268/2.1*

Current Draft: LRBs0095/1

978.03 (3) Any assistant **district attorney** under sub. (1), (1m) or (2) must be an **attorney** admitted to practice law in this state and, except as provided in s. 978.043, may perform any duty required by law to be performed by the **district attorney**. The **district attorney** of the prosecutorial unit under sub. (1), (1m) or (2) may appoint such temporary counsel as may be authorized by the department of administration.

Compiled from: *-1268/2.2*

Current Draft: LRBs0095/1

978.04 Assistants in certain prosecutorial units. The **district attorney** of any prosecutorial unit having a population of less than 100,000 may appoint one or more assistant **district attorneys as necessary** to carry out the duties of his or her office and as may be requested by the department of administration authorized in accordance with s. 16.505. Any such assistant **district attorney** must be an **attorney** admitted to practice law in this state and, except as provided in s. 978.043, may perform any duty required by law to be performed by the **district attorney**.

Compiled from: *b0255/3.1*

Current Draft: LRBs0095/1

978.042 Prosecutor caseload measurement; redistribution of assistant **district attorney** positions. (1) The department of administration shall develop a weighted prosecutor caseload measurement

formula to assist in determining the comparative need for assistant **district attorneys** in this state. The formula shall be based on the number of cases filed in a given year and the time needed to prosecute the cases, as applied to the average number of cases filed by a prosecutorial unit during the most recent 3-year period for which data is available. The department may consult with the Wisconsin **District Attorneys Association** in developing the formula.

✓ Compiled from: *b0255/3.1*

Current Draft: LRBs0095/1

(2) Notwithstanding s. 978.03 and 978.04, the department of ~~administration~~ shall transfer an authorized assistant **district attorney** position from the prosecutorial unit to which it is allocated to another prosecutorial unit if all of the following apply:

✓ Compiled from: *b0255/3.1*

Current Draft: LRBs0095/1

(c) The prosecutorial unit to which the position is transferred requested additional assistant **district attorney** position authorization for the fiscal biennium in which the transfer is made and has a prosecutor workload of more than 100% of the standard full-time workload, according to the weighted prosecutor caseload measurement formula developed under sub. (1).

✓ Compiled from: *-1268/2.3*

Current Draft: LRBs0095/1

978.043 Assistants for prosecution of sexually violent person commitment cases. The **district attorney** of the prosecutorial unit that consists of Brown County and the **district attorney** of the prosecutorial unit that consists of Milwaukee County shall each assign one assistant **district attorney** in his or her prosecutorial unit to be a sexually violent person commitment prosecutor. An assistant **district attorney** assigned under this section to be a sexually violent person commitment prosecutor may engage only in the prosecution of sexually violent person commitment proceedings under ch. 980 and, at the request of the **district attorney** of the prosecutorial unit, may file and prosecute sexually violent person commitment proceedings under ch. 980 in any prosecutorial unit in this state.

✓ Compiled from: *-1268/2.4*

Current Draft: LRBs0095/1

978.05 (8) (b) Hire, employ and supervise his or her staff and, subject to s. 978.043, make appropriate assignments of the staff throughout the prosecutorial unit. The **district attorney** may request the assistance of **district attorneys**, deputy **district attorneys** or assistant **district attorneys** from other prosecutorial units or assistant **attorneys general** who then may appear and assist in the investigation and prosecution of any matter for which a **district attorney** is responsible under this chapter in like manner as assistants in the prosecutorial unit and with the same authority as the **district attorney** in the unit in which the action is brought. Nothing in this paragraph limits the authority of counties to regulate the hiring, employment and supervision of county employees.

✓ Compiled from: *b0478/2.5*

Current Draft: LRBs0095/1

978.12 (5) (b) Employees generally. **District attorneys** and state employees of the office of **district attorney** shall be included within the provisions of the Wisconsin retirement system under ch. 40 as a participating employe of that office, except that the **district attorney** and state employees of the office of **district attorney** in a county having a population of 500,000 or more have the option provided under ~~par-~~ (e) s. 978.12 (5) (c), 1997 stats.

7
Compiled from: *b0478/2.5*

Current Draft: LRBs0095/1

978.12 (6) (a) **District attorneys** and state employees of the office of **district attorney** shall be included within all insurance benefit plans under ch. 40, except as authorized in this ~~subsection~~ paragraph. Alternatively, the state shall provide insurance benefit plans for **district attorneys** and state employees in the office of **district attorney** in the manner provided in this ~~subsection~~ paragraph. A **district attorney** or other employe of the office of **district attorney** who was employed in that office as a county employe on December 31, 1989, and who received any form of fringe benefits other than a retirement, deferred compensation or employe-funded reimbursement account plan as a county employe, as defined by that county pursuant to the county's personnel policies, or pursuant to a collective bargaining agreement in effect on January 1, 1990, or the most recent collective bargaining agreement covering represented employes who are not covered by such an agreement, may elect to continue to be covered under all such fringe benefit plans provided by the county after becoming a state employe. In a county having a population of 500,000 or more, the fringe benefit plans shall include health insurance benefits fully paid by the county for each retired employe who, on or after December 31, 1989, attains at least 15 years of service in the office of **district attorney** of that county, whether or not the service is as a county employe, for the duration of the employe's life. An employe may make an election under this ~~subsection~~ paragraph no later than January 31, 1990, except that an employe who serves as an assistant **district attorney** in a county having a population of 500,000 or more may make an election under this ~~subsection~~ paragraph no later than March 1, 1990. An election under this ~~subsection~~ paragraph shall be for the duration of the employe's employment in the office of **district attorney** for the same county by which the employe was employed or until the employe terminates the election under this ~~subsection~~ paragraph, at the same cost to the county as the county incurs for a similarly situated county employe. ~~If Subject to par. (b), if the employer's cost for such fringe benefits for any such employe is less than or equal to the cost for comparable coverage under ch. 40, if any, the state shall reimburse the county for that cost. If Subject to par. (b), if the employer's cost for such fringe benefits for any such employe is greater than the cost for comparable coverage under ch. 40, the state shall reimburse the county for the cost of comparable coverage under ch. 40 and the county shall pay the remainder of the cost. The cost of comparable coverage under ch. 40 shall equal the average cost of comparable coverage under ch. 40 for employes in the office of the state public defender, as contained in budget determinations approved by the joint committee on finance or the legislature under the biennial budget act for the period during which the costs are incurred. An employe who makes the election under this ~~subsection~~ paragraph may terminate that election, and shall then be included within all insurance benefit plans under ch. 40, except that the department of employe trust funds may require prior written notice, not exceeding one year's duration, of an employe's intent to be included under any insurance benefit plan under ch. 40.~~

✓ Compiled from: *-1412/1.1*

Current Draft: LRBs0095/1

978.13 (1) (b) In counties having a population of 500,000 or more, the salary and fringe benefit costs of 2 clerk positions providing clerical services to the prosecutors in the **district attorney's** office handling cases involving felony violations under ch. 961. The state treasurer shall pay the amount authorized under this paragraph to the county treasurer pursuant to a voucher submitted by the **district attorney** to the department ~~of administration~~ from the appropriation under s. 20.475 (1) (i). The amount paid under this paragraph may not exceed ~~\$70,500~~ \$75,200 in the 1997-98 1999-2000 fiscal year and ~~\$73,000~~ \$77,500 in the 1998-99 2000-01 fiscal year.

✗
✓ Compiled from: *-1412/1.2*

Current Draft: LRBs0095/1

✓
978.13 (1) (c) In counties having a population of 500,000 or more, the salary and fringe benefit costs of clerk positions in the district attorney's office necessary for the prosecution of violent crime cases primarily involving felony violations under s. 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05, 940.06, 940.225, 943.23 (1g), (1m) and (1r) and 943.32 (2). The state treasurer shall pay the amount authorized under this paragraph to the county treasurer pursuant to a voucher submitted by the district attorney to the secretary of administration from the appropriation under s. 20.475 (1) (i). The amount paid under this paragraph may not exceed ~~\$88,500~~ \$94,400 in the ~~1997-98~~ 1999-2000 fiscal year and ~~\$91,600~~ \$97,200 in the ~~1998-99~~ 2000-01 fiscal year.

✓
Compiled from: *b0257/1.3*

Current Draft: LRBs0095/1

✗
978.13 (1) (d) In counties having a population of 500,000 or more, the salary and fringe benefit costs of 2 clerk positions providing clerical services to the prosecutors in the district attorney's office handling cases involving the unlawful possession or use of firearms. The state treasurer shall pay the amount authorized under this paragraph to the county treasurer from the appropriation under s. 20.475 (1) (f) pursuant to a voucher submitted by the district attorney to the department of administration. The amount paid under this paragraph may not exceed \$51,300 in the 1999-2000 fiscal year and ~~\$64,400~~ in the 2000-01 fiscal year.

✓
Compiled from: *-1267/1.9101*

Current Draft: LRBs0095/1

ok
✗
(2) **PROSECUTION OF DRUG CRIMES; DANE COUNTY.** From federal and program revenue moneys appropriated to the department of administration for the office of justice assistance under section 20.505 (6) (kp) of the statutes, as affected by this act, and section 20.505 (6) (pb) of the statutes, the department shall expend \$83,600 in fiscal year 1999-2000 and \$87,800 in fiscal year 2000-01 to provide the multijurisdictional enforcement group serving Dane County with funding for one assistant district attorney to prosecute criminal violations of chapter 961 of the statutes.

✓
Compiled from: *-1267/1.9101*

Current Draft: LRBs0095/1

ok
✗
(3) **PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY.** From federal and program revenue moneys appropriated to the department of administration for the office of justice assistance under section 20.505 (6) (kp) of the statutes, as affected by this act, and section 20.505 (6) (pb) of the statutes, the department shall expend \$263,000 in fiscal year 1999-2000 and \$271,300 in fiscal year 2000-01 to provide the multijurisdictional enforcement group serving Milwaukee County with funding for 3 assistant district attorneys to prosecute criminal violations of chapter 961 of the statutes.

✓
Compiled from: *b0257/1.4*

Current Draft: LRBs0095/1

X
(3c) **REIMBURSEMENT TO MILWAUKEE COUNTY FOR COMPUTER PURCHASE.** From the appropriation under section 20.475 (1) (f) of the statutes, as created by this act, the department of administration shall reimburse Milwaukee County \$12,000 in fiscal year 1999-2000 for the cost of purchasing computers to be used by prosecutors in the district attorney's office handling cases involving the unlawful possession or use of firearms and by the clerks providing clerical services to those prosecutors.

✓
Compiled from:

Current Draft: LRBs0095/1

(a) In any case in which the district attorney files a sexually violent person petition under section 980.02 (1) (b) of the statutes on or after the effective date of this paragraph but before July 1, 2001,

the district attorney shall maintain a record of the amount of time spent by the district attorney and by any deputy district attorneys or assistant district attorneys doing all of the following:

Compiled from:

Current Draft: LRBs0095/1

(b) Annually, on a date specified by the department of administration, the district attorney shall submit to the department of administration a report summarizing the records under paragraph (a) covering the preceding 12-month period. The department of administration shall maintain the information submitted under this paragraph by district attorneys.

Compiled from: *b0256/1.2*

Current Draft: LRBs0095/1

(5f) **FULL-TIME DISTRICT ATTORNEY FOR RICHLAND AND RUSK COUNTIES.**

The treatment of section 978.01 (2) (b) of the statutes first applies to the district attorneys elected at the year 2000 general election.

LFB:.....Mason - Creditable service under the WRS for certain district attorneys in Milwaukee County

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1174/2

2286f

1 At the locations indicated, amend the bill as follows:

2 1. Page 131, line 21: after that line insert:

3 "SECTION 40m. 16.004 (13) of the statutes is created to read:

165.28 (3g)

4 16.004 (13) UNFUNDED PRIOR SERVICE FOR ASSISTANT DISTRICT ATTORNEYS.

5 Beginning in the 1999-2000 fiscal year and ending in the 2003-04 fiscal year, ~~the~~

6 ~~department shall~~ pay \$80,000 in each fiscal year from the appropriation account

7 under s. 20.475 (1) (d) toward the ~~department's~~ unfunded prior service liability under

8 the Wisconsin retirement system that results from granting the creditable service

9 under s. 40.02 (17) (gm).".

10 2. Page 449, line 4: after that line insert:

11 "SECTION 498m. 20.475 (1) (d) of the statutes is amended to read:

1 ✓ 20.475 (1) (d) *Salaries and fringe benefits*. The amounts in the schedule for
2 salaries and fringe benefits of district attorneys and state employes of the office of
3 the district attorney and, for payments under s. 978.045 (2) (b) and, beginning in the
4 1999–2000 fiscal year and ending in the 2003–04 fiscal year, for a payment of \$80,000
5 in each fiscal year toward the department of administration's unfunded prior service
6 liability under the Wisconsin retirement system that results from granting the
7 creditable service under s. 40.02 (17) (gm)."

8 ✓ 3. Page 556, line 17: after that line insert:

9 "SECTION 930t. 40.02 (17) (g) of the statutes is repealed.

10 SECTION 930v. 40.02 (17) (gm) of the statutes is created to read:

11 40.02 (17) (gm) Any assistant district attorney in a county having a population
12 of 500,000 or more who did not have vested benefit rights under the retirement
13 system established under chapter 201, laws of 1937, who became a participating
14 *de* employe on January 1, 1990, and who is a participating employe on the effective date
15 of this paragraph [revisor inserts date], shall receive creditable service for the
16 total period of his or her service under the retirement system established under
17 chapter 201, laws of 1937."

18 ✓ 4. Page 559, line 10: after that line insert:

19 "SECTION 939m. 40.05 (2) (bz) of the statutes is created to read:

20 40.05 (2) (bz) The employer contribution rate determined under par. (b) for the
21 department of administration shall be adjusted to reflect the cost of granting
22 creditable service under s. 40.02 (17) (gm) and that rate shall be sufficient to amortize
23 the unfunded prior service liability of the department of administration over the
24 remainder of the 40-year amortization period under par. (b)."

1 ✓ **5.** Page 1362, line 14: after that line insert:

2 “**SECTION 3211p.** 978.12 (5) (b) of the statutes is amended to read:

3 978.12 (5) (b) *Employees generally.* District attorneys and state employes of the
4 office of district attorney shall be included within the provisions of the Wisconsin
5 retirement system under ch. 40 as a participating employe of that office, except that
6 the district attorney and state employes of the office of district attorney in a county
7 having a population of 500,000 or more have the option provided under ~~par. (c)~~ s.
8 978.12 (5) (c), 1997 stats.

9 **SECTION 3211r.** 978.12 (5) (c) 5. of the statutes is repealed.

10 **SECTION 3211t.** 978.12 (6) of the statutes is renumbered 978.12 (6) (a) and
11 amended to read:

12 978.12 (6) (a) District attorneys and state employes of the office of district
13 attorney shall be included within all insurance benefit plans under ch. 40, except as
14 authorized in this ~~subsection~~ paragraph. Alternatively, the state shall provide
15 insurance benefit plans for district attorneys and state employes in the office of
16 district attorney in the manner provided in this ~~subsection~~ paragraph. A district
17 attorney or other employe of the office of district attorney who was employed in that
18 office as a county employe on December 31, 1989, and who received any form of fringe
19 benefits other than a retirement, deferred compensation or employe-funded
20 reimbursement account plan as a county employe, as defined by that county
21 pursuant to the county’s personnel policies, or pursuant to a collective bargaining
22 agreement in effect on January 1, 1990, or the most recent collective bargaining
23 agreement covering represented employes who are not covered by such an
24 agreement, may elect to continue to be covered under all such fringe benefit plans

1 provided by the county after becoming a state employe. In a county having a
2 population of 500,000 or more, the fringe benefit plans shall include health insurance
3 benefits fully paid by the county for each retired employe who, on or after December
4 31, 1989, attains at least 15 years of service in the office of district attorney of that
5 county, whether or not the service is as a county employe, for the duration of the
6 employe's life. An employe may make an election under this ~~subsection~~ paragraph
7 no later than January 31, 1990, except that an employe who serves as an assistant
8 district attorney in a county having a population of 500,000 or more may make an
9 election under this ~~subsection~~ paragraph no later than March 1, 1990. An election
10 under this ~~subsection~~ paragraph shall be for the duration of the employe's
11 employment in the office of district attorney for the same county by which the
12 employe was employed or until the employe terminates the election under this
13 ~~subsection~~ paragraph, at the same cost to the county as the county incurs for a
14 similarly situated county employe. If Subject to par. (b), if the employer's cost for
15 such fringe benefits for any such employe is less than or equal to the cost for
16 comparable coverage under ch. 40, if any, the state shall reimburse the county for
17 that cost. If Subject to par. (b), if the employer's cost for such fringe benefits for any
18 such employe is greater than the cost for comparable coverage under ch. 40, the state
19 shall reimburse the county for the cost of comparable coverage under ch. 40 and the
20 county shall pay the remainder of the cost. The cost of comparable coverage under
21 ch. 40 shall equal the average cost of comparable coverage under ch. 40 for employes
22 in the office of the state public defender, as contained in budget determinations
23 approved by the joint committee on finance or the legislature under the biennial
24 budget act for the period during which the costs are incurred. An employe who makes
25 the election under this ~~subsection~~ paragraph may terminate that election, and shall

1 then be included within all insurance benefit plans under ch. 40, except that the
2 department of employe trust funds may require prior written notice, not exceeding
3 one year's duration, of an employe's intent to be included under any insurance benefit
4 plan under ch. 40.

5 **SECTION 3211v.** 978.12 (6) (b) of the statutes is created to read:

6 978.12 (6) (b) Beginning in the 1999-2000 fiscal year and ending in the
7 2003-04 fiscal year, the state shall in each fiscal year reduce its reimbursement of
8 the employer's cost for fringe benefits under par. (a) by \$80,000.”

9 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0812/1

JEO:.....

D. N. Ste
Soon!

JLg

SDC:.....Walter – Caucus # 2728, State prosecutor's office

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION
CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment[✓] as follows:

2 1. Page 30, line 14: delete lines 14 to 20 and substitute:

3 “SECTION 40^{rm.} 16.003 (2)[✓] of the statutes is amended to read:

4 16.003 (2) STAFF. Except as provided in ss. 16.548, and[✓] 16.57, 978.03 (1), (1m)
5 and (2), 978.04 and 978.05 (8) (b), the secretary shall appoint the staff necessary for
6 performing the duties of the department. All staff shall be appointed under the
7 classified service except as otherwise provided by law.”.

History: 1971 c. 270; 1977 c. 196; 1979 c. 34; 1983 a. 27; 1989 a. 31, 117; 1991 a. 39.

8 2. Page 61, line 9: delete “administration” and substitute “justice”[✓].

9 3. Page 63, line 8: after that line insert:

1 **“SECTION 117x.** ✓ 17.11 (4) (intro.) of the statutes is amended to read:

2 17.11 (4) (intro.) If it is determined in the action or proceeding or is found upon
3 the investigation that a district attorney or sheriff suspended under this section is
4 not guilty of an offense, or has not wilfully neglected or refused to perform his or her
5 duties, as charged, that fact shall be certified by the governor to the department of
6 ~~administration~~ justice ✓ if a district attorney is involved or to the county clerk of the
7 sheriff’s county if a sheriff is involved. Upon the certification, the district attorney
8 or sheriff shall be.”.

History: 1989 a. 31; 1991 a. 316.

9 **4.** Page 82, line 22: after that line insert:

10 **“SECTION 159r.** ✓ 19.01 (4) (bn) of the statutes is amended to read:

11 19.01 (4) (bn) With the ~~secretary of administration~~ ✓ attorney general: district
12 attorneys.”.

History: 1971 c. 154; 1977 c. 29 s. 1649; 1977 c. 187 ss. 26, 135; 1977 c. 305 s. 64; 1977 c. 449; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (13); 1983 a. 6, 192; 1983 a. 538 s. 271; 1989 a. 31; 1991 a. 39, 316; 1993 a. 399; 1997 a. 250.

13 **5.** Page 83, line 9: after that line insert:

14 **“SECTION 164k.** 19.42 (5) ✓ of the statutes is amended to read:

15 19.42 (5) “Department” means the legislature, the university of Wisconsin
16 system, any authority or public corporation created and regulated by an act of the
17 legislature and any office, department, independent agency or legislative service
18 agency created under ch. 13, 14 or 15, any technical college district or any
19 constitutional office other than a judicial office. In the case of a district attorney,
20 “department” means the department of ~~administration~~ justice ✓ unless the context
21 otherwise requires.”.

History: 1973 c. 90; Stats. 1973 s. 11.02; 1973 c. 333; 1973 c. 334 ss. 33, 57; Stats. 1973 s. 19.42; 1977 c. 29, 223, 277; 1977 c. 447 ss. 35, 209; 1979 c. 34, 177, 221; 1981 c. 20, 269, 349, 391; 1983 a. 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 166 ss. 1 to 4, 16; 1983 a. 484, 538; 1985 a. 26; 1985 a. 29 s. 3202 (46); 1985 a. 304; 1987 a. 72, 119; 1987 a. 312 s. 17; 1987 a. 340, 365, 399, 403; 1989 a. 31, 338; 1991 a. 39, 189, 221, 269; 1993 a. 16, 263, 399; 1995 a. 27, 56, 274; 1997 a. 27; 1997 a. 237 ss. 19m, 722q; 1997 a. 298.

22 **6.** Page 218, line 3: after that line insert:

Sched

1 “(ab) General program operations;

2 state prosecutor ✓ GPR A 200,300 200,300”.

3 **7.** Page 235, line 3: decrease the dollar amount for fiscal year 1999–00 by
4 \$200,300 and decrease the dollar amount for fiscal year 2000–01 by \$200,300 ✓ for the
5 purpose of decreasing funding for the general program operations related to district
6 attorneys that are being transferred to the department of justice. ✓

7 **8.** Page 369, line 3: after that line insert:

8 “**SECTION 498c.** ✓ 20.475 (intro.) of the statutes is amended to read:

9 **20.475 District attorneys.** (intro.) There is appropriated to the department
10 of ~~administration~~ justice ✓ for the following programs:”.

History: 1989 a. 31, 117, 122; 336; 1991 a. 39; 1993 a. 16; 1995 a. 27, 448.

11 **9.** Page 369, line 9: delete “administration’s” and substitute “justice’s”.

12 **10.** Page 369, line 16: delete “9101” and substitute “9130”.

13 **11.** Page 370, line 18: delete lines 18 to 23 and substitute:

14 “**SECTION 509m.** ✓ 20.505 (1) (ab) of the statutes is renumbered 20.455 (1) (ab).”.

15 **12.** Page 415, line 7: after that line insert:

16 “**SECTION 647L.** ✓ 20.923 (6) (ac) of the statutes is amended to read:

17 20.923 (6) (ac) Administration Justice, ✓ department of: deputy and assistant
18 district attorneys.”.

History: 1971 c. 18, 125, 164; 1971 c. 270 ss. 98, 104; 1971 c. 307, 321; 1973 c. 90, 156, 243, 333; 1975 c. 28; 1975 c. 39 ss. 236c to 247, 735 (5); 1975 Ex. Order No. 24; 1975 c. 189, 199, 224, 422; 1977 c. 29 ss. 399g to 406d, 1649, 1650m, 1654 (8) (e), 1656 (43); 1977 c. 44; 1977 c. 187 ss. 29, 30, 31, 135; 1977 c. 196 ss. 74 to 76m, 131; 1977 c. 203, 272, 277, 418, 447, 449; Sup. Ct. Order, 88 W (2d) xiii (1979); 1979 c. 32 s. 92 (1); 1979 c. 34, 89, 189; 1979 c. 221 ss. 201m to 218, 2202 (13); 1979 c. 361; 1981 c. 20 ss. 587 to 592g, 2202 (33) (b), (c), (56) (a); 1981 c. 96 ss. 16, 67; 1981 c. 121, 127, 347, 353; 1981 c. 390 s. 252; 1983 a. 27, 46, 121, 192, 371, 378; 1985 a. 18, 23; 1985 a. 29 ss. 603 to 607, 3202 (22) (a); 1985 a. 34, 332; 1987 a. 6, 27, 82, 119, 306, 340, 354, 399, 403; 1989 a. 31, 56, 107, 208, 219, 336; 1991 a. 39, 269; 1993 a. 12, 16, 75, 123, 144, 184, 294, 349, 399, 490; 1995 a. 27 ss. 1193 to 1217m, 9130 (4), 9216 (19); 1995 a. 37, 216, 225; 1997 a. 2, 3, 27, 29, 41, 194, 237.

19 **13.** Page 535, line 3: delete “administration” and substitute “justice”.

20 **14.** Page 535, line 5: delete “administration” and substitute “justice”.

21 **15.** Page 645, line 22: after that line insert:

1 “SECTION 1130c. 48.09 (5) of the statutes is amended to read:

2 48.09 (5) By the district attorney or, if designated by the county board of
3 supervisors, by the corporation counsel, in any matter arising under s. 48.13, 48.133
4 or 48.977. If the county board transfers this authority to or from the district attorney
5 on or after May 11, 1990, the board may do so only if the action is effective on
6 September 1 of an odd-numbered year and the board notifies the department of
7 ~~administration~~ justice of that change by January 1 of that odd-numbered year.”

History: 1977 c. 354; 1985 a. 176; 1989 a. 336; 1993 a. 246; 1995 a. 77, 275; 1997 a. 292.

8 **16.** Page 1093, line 2: after that line insert:

9 “SECTION 2035g. 111.815 (3) of the statutes is amended to read:

10 111.815 (3) With regard to collective bargaining activities involving employes
11 who are assistant district attorneys, the secretary of the department shall maintain
12 close liaison with the department of ~~administration~~ justice.”

History: 1977 c. 196; 1983 a. 27 s. 2200 (15); 1985 a. 42; 1989 a. 31; 1995 a. 27.

13 **17.** Page 1174, line 2: after that line insert:

14 “SECTION 2286e. 165.25 (2m) of the statutes is created to read:

15 165.25 (2m) PROSECUTION SERVICES. Provide general program operations
16 related to ch. 978.

17 SECTION 2286f. 165.25 (3g) of the statutes is created to read:

18 165.25 (3g) UNFUNDED PRIOR SERVICE FOR ASSISTANT DISTRICT ATTORNEYS.
19 Beginning in the 1999–2000 fiscal year and ending in the 2003–04 fiscal year, pay
20 \$80,000 in each fiscal year from the appropriation account under s. 20.475 (1) (d)
21 toward the unfunded prior service liability under the Wisconsin retirement system
22 that results from granting the creditable service under s. 40.02 (17) (gm).”

23 **18.** Page 1431, line 22: after that line insert:

24 “SECTION 3120m. 938.09 (2) of the statutes is amended to read:

1 938.09 (2) By the district attorney or, if designated by the county board of
2 supervisors, by the corporation counsel, in any matter concerning a civil law
3 violation arising under s. 938.125. If the county board transfers this authority to or
4 from the district attorney on or after May 11, 1990, the board may do so only if the
5 action is effective on September 1 of an odd-numbered year and the board notifies
6 the department of ~~administration~~ [✓] justice of that change by January 1 of that
7 odd-numbered year.

8 ^{History: 1995 a. 77.} **SECTION 312**⁰~~n.~~ 938.09 (5) of the statutes is amended to read:

9 938.09 (5) By the district attorney or, if designated by the county board of
10 supervisors, by the corporation counsel, in any matter arising under s. 938.13. If the
11 county board transfers this authority to or from the district attorney on or after
12 May 11, 1990, the board may do so only if the action is effective on September 1 of
13 an odd-numbered year and the board notifies the department of ~~administration~~
14 justice [✓] of that change by January 1 of that odd-numbered year.”.

15 ^{History: 1995 a. 77.}

19. Page 1447, line 3: after that line insert:

16 “**SECTION 3207**[✓]~~w.~~ 978.03 (1) of the statutes is amended to read:

17 978.03 (1) The district attorney of any prosecutorial unit having a population
18 of 500,000 or more may appoint 4 deputy district attorneys and such assistant
19 district attorneys as may be requested by the department of ~~administration~~ [✓] justice
20 and authorized in accordance with s. 16.505. The district attorney shall rank the
21 deputy district attorneys for purposes of carrying out duties under this section. The
22 deputies, according to rank, may perform any duty of the district attorney, under the
23 district attorney’s direction. In the absence or disability of the district attorney, the
24 deputies, according to rank, may perform any act required by law to be performed

1 by the district attorney. Any such deputy must have practiced law in this state for
2 at least 2 years prior to appointment under this section.

3 History: 1989 a. 31; 1991 a. 39.

3 **SECTION 3207x.** 978.03 (1m) of the statutes is amended to read:

4 978.03 (1m) The district attorney of any prosecutorial unit having a population
5 of 200,000 or more but not more than 499,999 may appoint 3 deputy district
6 attorneys and such assistant district attorneys as may be requested by the
7 department of ~~administration~~ justice and authorized in accordance with s. 16.505.
8 The district attorney shall rank the deputy district attorneys for purposes of carrying
9 out duties under this section. The deputies, according to rank, may perform any duty
10 of the district attorney, under the district attorney's direction. In the absence or
11 disability of the district attorney, the deputies, according to rank, may perform any
12 act required by law to be performed by the district attorney. Any such deputy must
13 have practiced law in this state for at least 2 years prior to appointment under this
14 section.

15 History: 1989 a. 31; 1991 a. 39.

15 **SECTION 3207y.** 978.03 (2) of the statutes is amended to read:

16 978.03 (2) The district attorney of any prosecutorial unit having a population
17 of 100,000 or more but not more than 199,999 may appoint one deputy district
18 attorney and such assistant district attorneys as may be requested by the
19 department of ~~administration~~ justice and authorized in accordance with s. 16.505.
20 The deputy may perform any duty of the district attorney, under the district
21 attorney's direction. In the absence or disability of the district attorney, the deputy
22 may perform any act required by law to be performed by the district attorney. The

1 deputy must have practiced law in this state for at least 2 years prior to appointment
2 under this section.”.

History: 1989 a. 31; 1991 a. 39.

3 **20.** Page 1447, line 10: delete “administration” and substitute
4 “administration justice”.

5 **21.** Page 1447, line 15: delete “administration” and substitute
6 “administration justice and”.

7 **22.** Page 1447, line 21: delete “administration” and substitute “justice”.

8 **23.** Page 1448, line 4: delete “administration” and substitute “justice”.

9 **24.** Page 1449, line 6: after that line insert:

10 “SECTION 3210L. 978.045 (1g) of the statutes is amended to read:

11 978.045 (1g) A court on its own motion may appoint a special prosecutor under
12 sub. (1r) or a district attorney may request a court to appoint a special prosecutor
13 under that subsection. Before a court appoints a special prosecutor on its own motion
14 or at the request of a district attorney for an appointment that exceeds 6 hours per
15 case, the court or district attorney shall request assistance from a district attorney,
16 deputy district attorney or assistant district attorney from other prosecutorial units
17 or an assistant attorney general. A district attorney requesting the appointment of
18 a special prosecutor, or a court if the court is appointing a special prosecutor on its
19 own motion, shall notify the department of administration justice, on a form
20 provided by that department, of the district attorney’s or the court’s inability to
21 obtain assistance from another prosecutorial unit or from an assistant attorney
22 general.

History: 1989 a. 117; 1991 a. 39, 188; 1993 a. 16; 1995 a. 27; 1997 a. 27.

23 **SECTION 3210m.** 978.045 (2) (b) of the statutes is amended to read:

1 978.045 (2) (b) The department of ~~administration~~ justice shall pay the
2 compensation ordered by the court from the appropriation under s. 20.475 (1) (d)."

History: 1989 a. 117; 1991 a. 39, 188; 1993 a. 16; 1995 a. 27; 1997 a. 27.

3 **25.** Page 1449, line 17: after that line insert:

4 "SECTION ~~3211k~~ [✓] 978.11 of the statutes is amended to read:

5 **978.11 Budget.** The department of ~~administration~~ justice shall prepare the
6 budget of the prosecution system and submit it in accordance with s. 16.42."

History: 1989 a. 31; 1991 a. 39.

7 **26.** Page 1449, line 24: after that line insert:

8 "SECTION ~~3211qj~~ [✓] 978.12 (5) (c) 1. of the statutes is amended to read:

9 978.12 (5) (c) 1. The salaries authorized under this section for the district
10 attorney and the state employes of the office of district attorney shall be paid by the
11 state treasurer to the county treasurer pursuant to a voucher submitted by the
12 district attorney to the department of ~~administration~~ justice. The county treasurer
13 shall pay the amounts directly to the district attorney and state employes of the office
14 of district attorney and the amounts paid shall be subject to the retirement system
15 established under chapter 201, laws of 1937."

History: 1989 a. 31, 117, 336; 1991 a. 32, 39; 1993 a. 294.

16 **27.** Page 1452, line 6: delete "administration" and substitute "~~administration~~
17 justice".

18 **28.** Page 1452, line 17: delete "secretary of administration" and substitute
19 "~~secretary of administration~~ department of justice".

20 **29.** Page 1453, line 3: delete "administration" and substitute "justice".

21 **30.** Page 1468, line 17: after that line insert:

22 *nonstats* ^d (1) TRANSFER OF OFFICE OF STATE PROSECUTOR.

23 (a) *Positions and employes.*

1 1. On the effective date of this subdivision[✓], all full-time equivalent positions
2 in the department of administration having duties primarily related to the general
3 program operations of the prosecution system, as determined by the secretary of
4 administration, are transferred to the department of justice.

5 2. All incumbent employes holding positions specified in subdivision[✓] 1. are
6 transferred on the effective date of this subdivision to the department of justice.

7 3. Employes transferred under subdivision 2.[✓] have all the rights and the same
8 status under subchapter V of chapter 111[✓] and chapter 230 of the statutes in the
9 department of justice that they enjoyed in the department of administration
10 immediately before the transfer. Notwithstanding section[✓] 230.28 (4) of the statutes,
11 no employe so transferred who has attained permanent status in class is required to
12 serve a probationary period.

13 (b) *Assets and liabilities.* On the effective date of this[✓] paragraph, the assets and
14 liabilities of the department^{of} administration primarily related to the general
15 program operations of the prosecution system, as determined by the secretary of
16 administration, shall become the assets and liabilities of the department of justice.

17 (c) *Tangible personal property.* On the effective date of this[✓] paragraph, all
18 tangible personal property, including records, of the department of administration
19 that is primarily related to the general program operations of the prosecution
20 system, as determined by the secretary of administration, is transferred to the
21 department of justice.

22 (d) *Contracts.* All contracts entered into by the department of administration
23 in effect on the effective date of this paragraph that are primarily related to the
24 general program operations of the prosecution system, as determined by the
25 secretary of administration, remain in effect and are transferred to the department

1 of justice. The department of justice shall carry out any obligations under such a
2 contract until the contract is modified or rescinded by the department of justice to
3 the extent allowed under the contract.

4 (e) *Rules and orders.* All rules promulgated by the department of
5 administration primarily related to the general program operations of the
6 prosecution system that are in effect on the effective date of this paragraph shall
7 become rules of the department of justice and shall remain in effect until their
8 specified expiration dates or until amended or repealed by the department of justice.
9 All orders issued by the department of administration primarily related to the
10 general program operations of the prosecution system that are in effect on the
11 effective date of this paragraph shall become orders of the department of justice and
12 shall remain in effect until their specified expiration dates or until modified or
13 rescinded by the department of justice.

14 (f) *Pending matters.* Any matter pending with the department of
15 administration on the effective date of this paragraph that is primarily related to the
16 general program operations of the prosecution system, as determined by the
17 secretary of administration, is transferred to the department of justice and all
18 materials submitted to or actions taken by the department of administration with
19 respect to the pending matter are considered as having been submitted to or taken
20 by the department of justice.”.

21 **31.** Page 1469, line 9: delete lines 9 to 14. ✓

22 **32.** Page 1471, line 12: delete the material beginning with that line and
23 ending with page 1472, line 5. ✓

24 **33.** Page 1527, line 15: after that line insert:

1 nonstat (3c) REIMBURSEMENT TO MILWAUKEE COUNTY FOR COMPUTER PURCHASE. From the
2 appropriation under section 20.475 (1) (f) of the statutes, as created by this act, the
3 department of justice shall reimburse Milwaukee County \$12,000 in fiscal year
4 1999–2000 for the cost of purchasing computers to be used by prosecutors in the
5 district attorney’s office handling cases involving the unlawful possession or use of
6 firearms and by the clerks providing clerical services to those prosecutors.

7 nonstat (4^c) INFORMATION CONCERNING SEXUALLY VIOLENT PERSON COMMITMENT CASES.

8 (a) In any case in which the district attorney files a sexually violent person
9 petition under section 980.02 (1) (b) of the statutes on or after the effective date of
10 this paragraph but before July 1, 2001, the district attorney shall maintain a record
11 of the amount of time spent by the district attorney and by any deputy district
12 attorneys or assistant district attorneys doing all of the following:

13 1. Prosecuting the petition through trial under section 980.05 of the statutes
14 and, if applicable, commitment of the person subject to the petition under section
15 980.06 of the statutes, as affected by this act.

16 2. If applicable, representing the state on petitions brought by the person who
17 is the subject of the petition for supervised release under section 980.08 of the
18 statutes, as affected by this act, or for discharge under section 980.09 or 980.10 of the
19 statutes.

20 (b) Annually, on a date specified by the department of justice, the district
21 attorney shall submit to the department of justice a report summarizing the records
22 under paragraph (a) covering the preceding 12-month period. The department of
23 justice shall maintain the information submitted under this paragraph by district
24 attorneys.”.

25 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0812/1dn

JEO:.....

↑
JEO

This amendment does not include a nonstatutory provision transferring ~~the actual~~ district attorney positions from DOA to DOJ because it is my understanding that those positions are not counted under DOA but are counted separately under s. 20.475, stats. If my understanding is not correct, the amendment will have to be redrafted to include a transfer of DA positions from DOA to DOJ.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0812/1dn
JEO:jlg:kjf

June 27, 1999

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0812/1
JEO:jlq:kjf

SDC:.....Walter – Caucus # 2728, State prosecutor's office
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION
CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 30, line 14: delete lines 14 to 20 and substitute:
- 3 “SECTION 40rm. 16.003 (2) of the statutes is amended to read:
- 4 16.003 (2) STAFF. Except as provided in ss. 16.548, and 16.57, 978.03 (1), (1m)
- 5 and (2), 978.04 and 978.05 (8) (b), the secretary shall appoint the staff necessary for
- 6 performing the duties of the department. All staff shall be appointed under the
- 7 classified service except as otherwise provided by law.”
- 8 **2.** Page 61, line 9: delete “administration” and substitute “justice”.
- 9 **3.** Page 63, line 8: after that line insert:

1 **“SECTION 117x.** 17.11 (4) (intro.) of the statutes is amended to read:

2 17.11 (4) (intro.) If it is determined in the action or proceeding or is found upon
3 the investigation that a district attorney or sheriff suspended under this section is
4 not guilty of an offense, or has not wilfully neglected or refused to perform his or her
5 duties, as charged, that fact shall be certified by the governor to the department of
6 ~~administration~~ justice if a district attorney is involved or to the county clerk of the
7 sheriff’s county if a sheriff is involved. Upon the certification, the district attorney
8 or sheriff shall be:”.

9 **4.** Page 82, line 22: after that line insert:

10 **“SECTION 159r.** 19.01 (4) (bn) of the statutes is amended to read:

11 19.01 (4) (bn) With the ~~secretary of administration~~ attorney general: district
12 attorneys.”.

13 **5.** Page 83, line 9: after that line insert:

14 **“SECTION 164k.** 19.42 (5) of the statutes is amended to read:

15 19.42 (5) “Department” means the legislature, the university of Wisconsin
16 system, any authority or public corporation created and regulated by an act of the
17 legislature and any office, department, independent agency or legislative service
18 agency created under ch. 13, 14 or 15, any technical college district or any
19 constitutional office other than a judicial office. In the case of a district attorney,
20 “department” means the department of ~~administration~~ justice unless the context
21 otherwise requires.”.

22 **6.** Page 218, line 3: after that line insert:

1 “(ab) General program operations;

2 state prosecutor GPR A 200,300 200,300”.

3 **7.** Page 235, line 3: decrease the dollar amount for fiscal year 1999–00 by
4 \$200,300 and decrease the dollar amount for fiscal year 2000–01 by \$200,300 for the
5 purpose of decreasing funding for the general program operations related to district
6 attorneys that are being transferred to the department of justice.

7 **8.** Page 369, line 3: after that line insert:

8 “SECTION 498c. 20.475 (intro.) of the statutes is amended to read:

9 **20.475 District attorneys.** (intro.) There is appropriated to the department
10 of ~~administration~~ justice for the following programs:”.

11 **9.** Page 369, line 9: delete “administration’s” and substitute “justice’s”.

12 **10.** Page 369, line 16: delete “9101” and substitute “9130”.

13 **11.** Page 370, line 18: delete lines 18 to 23 and substitute:

14 “SECTION 509m. 20.505 (1) (ab) of the statutes is renumbered 20.455 (1) (ab).”.

15 **12.** Page 415, line 7: after that line insert:

16 “SECTION 647L. 20.923 (6) (ac) of the statutes is amended to read:

17 20.923 (6) (ac) Administration Justice, department of: deputy and assistant
18 district attorneys.”.

19 **13.** Page 535, line 3: delete “administration” and substitute “justice”.

20 **14.** Page 535, line 5: delete “administration” and substitute “justice”.

21 **15.** Page 645, line 22: after that line insert:

22 “SECTION 1130c. 48.09 (5) of the statutes is amended to read:

1 48.09 (5) By the district attorney or, if designated by the county board of
2 supervisors, by the corporation counsel, in any matter arising under s. 48.13, 48.133
3 or 48.977. If the county board transfers this authority to or from the district attorney
4 on or after May 11, 1990, the board may do so only if the action is effective on
5 September 1 of an odd-numbered year and the board notifies the department of
6 ~~administration~~ justice of that change by January 1 of that odd-numbered year.”

7 **16.** Page 1093, line 2: after that line insert:

8 “SECTION 2035g. 111.815 (3) of the statutes is amended to read:

9 111.815 (3) With regard to collective bargaining activities involving employes
10 who are assistant district attorneys, the secretary of the department shall maintain
11 close liaison with the department of ~~administration~~ justice.”

12 **17.** Page 1174, line 2: after that line insert:

13 “SECTION 2286e. 165.25 (2m) of the statutes is created to read:

14 165.25 (2m) PROSECUTION SERVICES. Provide general program operations
15 related to ch. 978.

16 SECTION 2286f. 165.25 (3g) of the statutes is created to read:

17 165.25 (3g) UNFUNDED PRIOR SERVICE FOR ASSISTANT DISTRICT ATTORNEYS.
18 Beginning in the 1999–2000 fiscal year and ending in the 2003–04 fiscal year, pay
19 \$80,000 in each fiscal year from the appropriation account under s. 20.475 (1) (d)
20 toward the unfunded prior service liability under the Wisconsin retirement system
21 that results from granting the creditable service under s. 40.02 (17) (gm).”

22 **18.** Page 1431, line 22: after that line insert:

23 “SECTION 3120m. 938.09 (2) of the statutes is amended to read:

1 938.09 (2) By the district attorney or, if designated by the county board of
2 supervisors, by the corporation counsel, in any matter concerning a civil law
3 violation arising under s. 938.125. If the county board transfers this authority to or
4 from the district attorney on or after May 11, 1990, the board may do so only if the
5 action is effective on September 1 of an odd-numbered year and the board notifies
6 the department of ~~administration~~ justice of that change by January 1 of that
7 odd-numbered year.

8 **SECTION 3120n.** 938.09 (5) of the statutes is amended to read:

9 938.09 (5) By the district attorney or, if designated by the county board of
10 supervisors, by the corporation counsel, in any matter arising under s. 938.13. If the
11 county board transfers this authority to or from the district attorney on or after
12 May 11, 1990, the board may do so only if the action is effective on September 1 of
13 an odd-numbered year and the board notifies the department of ~~administration~~
14 justice of that change by January 1 of that odd-numbered year.”.

15 **19.** Page 1447, line 3: after that line insert:

16 **“SECTION 3207w.** 978.03 (1) of the statutes is amended to read:

17 978.03 (1) The district attorney of any prosecutorial unit having a population
18 of 500,000 or more may appoint 4 deputy district attorneys and such assistant
19 district attorneys as may be requested by the department of ~~administration~~ justice
20 and authorized in accordance with s. 16.505. The district attorney shall rank the
21 deputy district attorneys for purposes of carrying out duties under this section. The
22 deputies, according to rank, may perform any duty of the district attorney, under the
23 district attorney’s direction. In the absence or disability of the district attorney, the
24 deputies, according to rank, may perform any act required by law to be performed

1 by the district attorney. Any such deputy must have practiced law in this state for
2 at least 2 years prior to appointment under this section.

3 **SECTION 3207x.** 978.03 (1m) of the statutes is amended to read:

4 **978.03 (1m)** The district attorney of any prosecutorial unit having a population
5 of 200,000 or more but not more than 499,999 may appoint 3 deputy district
6 attorneys and such assistant district attorneys as may be requested by the
7 department of ~~administration~~ justice and authorized in accordance with s. 16.505.
8 The district attorney shall rank the deputy district attorneys for purposes of carrying
9 out duties under this section. The deputies, according to rank, may perform any duty
10 of the district attorney, under the district attorney's direction. In the absence or
11 disability of the district attorney, the deputies, according to rank, may perform any
12 act required by law to be performed by the district attorney. Any such deputy must
13 have practiced law in this state for at least 2 years prior to appointment under this
14 section.

15 **SECTION 3207y.** 978.03 (2) of the statutes is amended to read:

16 **978.03 (2)** The district attorney of any prosecutorial unit having a population
17 of 100,000 or more but not more than 199,999 may appoint one deputy district
18 attorney and such assistant district attorneys as may be requested by the
19 department of ~~administration~~ justice and authorized in accordance with s. 16.505.
20 The deputy may perform any duty of the district attorney, under the district
21 attorney's direction. In the absence or disability of the district attorney, the deputy
22 may perform any act required by law to be performed by the district attorney. The
23 deputy must have practiced law in this state for at least 2 years prior to appointment
24 under this section.”

1 **20.** Page 1447, line 10: delete “administration” and substitute
2 “~~administration~~ justice”.

3 **21.** Page 1447, line 15: delete “administration” and substitute
4 “~~administration~~ justice and”.

5 **22.** Page 1447, line 21: delete “administration” and substitute “justice”.

6 **23.** Page 1448, line 4: delete “administration” and substitute “justice”.

7 **24.** Page 1449, line 6: after that line insert:

8 “**SECTION 3210L.** 978.045 (1g) of the statutes is amended to read:

9 978.045 (1g) A court on its own motion may appoint a special prosecutor under
10 sub. (1r) or a district attorney may request a court to appoint a special prosecutor
11 under that subsection. Before a court appoints a special prosecutor on its own motion
12 or at the request of a district attorney for an appointment that exceeds 6 hours per
13 case, the court or district attorney shall request assistance from a district attorney,
14 deputy district attorney or assistant district attorney from other prosecutorial units
15 or an assistant attorney general. A district attorney requesting the appointment of
16 a special prosecutor, or a court if the court is appointing a special prosecutor on its
17 own motion, shall notify the department of ~~administration~~ justice, on a form
18 provided by that department, of the district attorney’s or the court’s inability to
19 obtain assistance from another prosecutorial unit or from an assistant attorney
20 general.

21 **SECTION 3210m.** 978.045 (2) (b) of the statutes is amended to read:

22 978.045 (2) (b) The department of ~~administration~~ justice shall pay the
23 compensation ordered by the court from the appropriation under s. 20.475 (1) (d).”.

24 **25.** Page 1449, line 17: after that line insert:

1 **SECTION 3211k.** 978.11 of the statutes is amended to read:

2 **978.11 Budget.** The department of ~~administration~~ justice shall prepare the
3 budget of the prosecution system and submit it in accordance with s. 16.42.”

4 **26.** Page 1449, line 24: after that line insert:

5 **SECTION 3211q.** 978.12 (5) (c) 1. of the statutes is amended to read:

6 978.12 (5) (c) 1. The salaries authorized under this section for the district
7 attorney and the state employes of the office of district attorney shall be paid by the
8 state treasurer to the county treasurer pursuant to a voucher submitted by the
9 district attorney to the department of ~~administration~~ justice. The county treasurer
10 shall pay the amounts directly to the district attorney and state employes of the office
11 of district attorney and the amounts paid shall be subject to the retirement system
12 established under chapter 201, laws of 1937.”

13 **27.** Page 1452, line 6: delete “administration” and substitute “~~administration~~
14 justice”.

15 **28.** Page 1452, line 17: delete “secretary of administration” and substitute
16 “~~secretary of administration~~ department of justice”.

17 **29.** Page 1453, line 3: delete “administration” and substitute “justice”.

18 **30.** Page 1468, line 17: after that line insert:

19 “(1d) TRANSFER OF OFFICE OF STATE PROSECUTOR.

20 (a) *Positions and employes.*

21 1. On the effective date of this subdivision, all full-time equivalent positions
22 in the department of administration having duties primarily related to the general
23 program operations of the prosecution system, as determined by the secretary of
24 administration, are transferred to the department of justice.

1 2. All incumbent employes holding positions specified in subdivision 1. are
2 transferred on the effective date of this subdivision to the department of justice.

3 3. 'Employes transferred under subdivision 2. have all the rights and the same
4 status under subchapter V of chapter 111 and chapter 230 of the statutes in the
5 department of justice that they enjoyed in the department of administration
6 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
7 no employe so transferred who has attained permanent status in class is required to
8 serve a probationary period.

9 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets and
10 liabilities of the department of administration primarily related to the general
11 program operations of the prosecution system, as determined by the secretary of
12 administration, shall become the assets and liabilities of the department of justice.

13 (c) *Tangible personal property.* On the effective date of this paragraph, all
14 tangible personal property, including records, of the department of administration
15 that is primarily related to the general program operations of the prosecution
16 system, as determined by the secretary of administration, is transferred to the
17 department of justice.

18 (d) *Contracts.* All contracts entered into by the department of administration
19 in effect on the effective date of this paragraph that are primarily related to the
20 general program operations of the prosecution system, as determined by the
21 secretary of administration, remain in effect and are transferred to the department
22 of justice. The department of justice shall carry out any obligations under such a
23 contract until the contract is modified or rescinded by the department of justice to
24 the extent allowed under the contract.

1 (e) *Rules and orders.* All rules promulgated by the department of
2 administration primarily related to the general program operations of the
3 prosecution system that are in effect on the effective date of this paragraph shall
4 become rules of the department of justice and shall remain in effect until their
5 specified expiration dates or until amended or repealed by the department of justice.
6 All orders issued by the department of administration primarily related to the
7 general program operations of the prosecution system that are in effect on the
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10 rescinded by the department of justice.

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13 general program operations of the prosecution system, as determined by the
14 secretary of administration, is transferred to the department of justice and all
15 materials submitted to or actions taken by the department of administration with
16 respect to the pending matter are considered as having been submitted to or taken
17 by the department of justice.”.

18 **31.** Page 1469, line 9: delete lines 9 to 14.

19 **32.** Page 1471, line 12: delete the material beginning with that line and
20 ending with page 1472, line 5.

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1 1999–2000 for the cost of purchasing computers to be used by prosecutors in the
2 district attorney’s office handling cases involving the unlawful possession or use of
3 firearms and by the clerks providing clerical services to those prosecutors.

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6 petition under section 980.02 (1) (b) of the statutes on or after the effective date of
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11 and, if applicable, commitment of the person subject to the petition under section
12 980.06 of the statutes, as affected by this act.

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15 statutes, as affected by this act, or for discharge under section 980.09 or 980.10 of the
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17 (b) Annually, on a date specified by the department of justice, the district
18 attorney shall submit to the department of justice a report summarizing the records
19 under paragraph (a) covering the preceding 12–month period. The department of
20 justice shall maintain the information submitted under this paragraph by district
21 attorneys.”.

22 (END)