

2007 DRAFTING REQUEST

Bill

Received: 03/23/2007

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing:

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - miscellaneous
Criminal Law - district attys

Extra Copies:

Submit via email: YES

Requester's email: Rep.Albers@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prosecution decisions based on payments to organizations

Instructions:

See Attached o7-2070

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>
/?	rnelson2 03/23/2007	wjackson 03/23/2007					S&L
/1			jfrantze 03/26/2007		lparisi 03/26/2007	cduerst 05/07/2007	

FE Sent For:

<END>

→ At Intro.

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/?	rnelson2	1 WLJ 3/23					
			3/26				

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<END>

Bill Request Form

Legislative Reference Bureau
100 N. Hamilton Street
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date 3-22-04

Legislator, agency, or other person requesting this draft Albers

Person submitting request (name and phone number) _____

Persons to contact for questions about this draft (names and phone numbers) _____

Describe the problem, including any helpful examples. How do you want to solve the problem?

Please re-draft the attached for Albers.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes: Anyone who asks? YES NO
 Any legislator? YES NO

Only the following persons _____

Do you consider this request urgent? YES NO If yes, please indicate why _____

Should we give this request priority over any pending request of this legislator, agency, or person?

YES NO



State of Wisconsin
2007 - 2008 LEGISLATURE

231711
LRB-2007-01

RPN&PJH:wlj:rw

↑
stays

2007 BILL

~~Resubmit
to House
under my name
Companion to
Hanson
to Judiciary
Committee~~

Regen

1 AN ACT *to repeal* 753.40, 755.20, 757.17, 814.75 (4), 814.76 (3), 814.77 (3), 814.78
2 (4), 814.79 (3), 814.80 (4), 814.81 (4), 973.06 (1) (f) and 973.09 (1x); and *to*
3 *amend* 778.027, 967.057 and 973.11 (1) (b) of the statutes; **relating to:**
4 prosecution decisions based on certain payments to organizations or agencies
5 and eliminating required payment of contribution surcharges to crime
6 prevention organizations and funds.

Analysis by the Legislative Reference Bureau

Under current law, a court may require a person who commits a crime or who violates an ordinance that prohibits conduct that also is punishable under statute by fine or imprisonment to pay a contribution surcharge to a crime prevention organization or a law enforcement agency's crime prevention fund. This bill eliminates this discretion to require payment of the contribution surcharge.

Current law prohibits a prosecutor from dismissing or amending a criminal charge in exchange for a person's payment of a contribution to a crime prevention organization or a law enforcement agency's crime prevention fund. Current law similarly prohibits a prosecutor or any other attorney representing the state or a local government from dismissing or amending a citation or complaint in a civil case in exchange for such a payment if the citation or complaint alleges a violation punishable by a forfeiture. This bill prohibits a prosecutor or any other government attorney from electing not to commence a criminal prosecution or a civil action based

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on a violation punishable by a forfeiture in exchange for a person's payment of money, other than restitution, to any organization or agency. This bill also extends the scope of the prohibitions in current law regarding dismissing or amending criminal or civil charges so that the prohibitions apply in cases involving payments — other than restitution — to any type of organization or agency, not just those involved in crime prevention.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 753.40 of the statutes is repealed.

2 **SECTION 2.** 755.20 of the statutes is repealed.

3 **SECTION 3.** 757.17 of the statutes is repealed.

4 **SECTION 4.** 778.027 of the statutes is amended to read:

5 **778.027 Dismissals for Prosecution decisions based on contributions**
6 **to certain organizations or agencies and government attorney conduct.** A
7 prosecutor or an attorney representing the state or a political subdivision of the state
8 may not, in exchange for a person's payment of ~~a contribution to an~~ money, other
9 than restitution, to any organization or agency specified in s. 973.06 (1) (f) 1., dismiss
10 or amend a citation or complaint alleging a violation that provides for a forfeiture or
11 elect not to initiate an action or special proceeding based on such a violation.

12 **SECTION 5.** 814.75 (4) of the statutes is repealed.

13 **SECTION 6.** 814.76 (3) of the statutes is repealed.

14 **SECTION 7.** 814.77 (3) of the statutes is repealed.

15 **SECTION 8.** 814.78 (4) of the statutes is repealed.

16 **SECTION 9.** 814.79 (3) of the statutes is repealed.

17 **SECTION 10.** 814.80 (4) of the statutes is repealed.

18 **SECTION 11.** 814.81 (4) of the statutes is repealed.

BILL

1 **SECTION 12.** 967.057 of the statutes is amended to read:

2 **967.057 Dismissals for Prosecution decisions based on contributions**
3 **to certain organizations and agencies.** A prosecutor may not, in exchange for
4 a person's payment of ~~a contribution to an~~ money, other than restitution, to any
5 organization or agency ~~specified in s. 973.06 (1) (f) 1.~~, dismiss or amend a charge
6 alleging a criminal offense or elect not to commence a criminal prosecution.

7 **SECTION 13.** 973.06 (1) (f) of the statutes is repealed.

8 **SECTION 14.** 973.09 (1x) of the statutes is repealed.

9 **SECTION 15.** 973.11 (1) (b) of the statutes is amended to read:

10 **973.11 (1) (b)** Any requirement that the court may impose under s. 973.09 (1g),
11 ~~(1x)~~, (4), and (7m).

12

(END)

Basford, Sarah

From: Griffiths, Terri
Sent: Monday, May 07, 2007 10:39 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-2317/1 Topic: Prosecution decisions based on payments to organizations

Please Jacket LRB 07-2317/1 for the ASSEMBLY.