

2007 DRAFTING REQUEST

Bill

Received: 09/01/2006

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Louis Molepske (608) 267-9649

By/Representing: Stephanie

This file may be shown to any legislator: NO

Drafter: bbalinsk

May Contact:

Addl. Drafters:

Subject: Courts - courts/judges/commsrs

Extra Copies: Anne Sappenfield, LC

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Part-time court commissioner authority

Instructions:

See 05-2966

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 09/05/2006 bbalinsk 09/29/2006	jdyer 10/16/2006		_____			S&L
/1			pgreensl 10/16/2006	_____	lparisi 10/16/2006 mbarman 04/02/2007	cduerst 04/02/2007	

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/?	rnelson2 09/05/2006 bbalinsk	11/10/16 jld	10/16/08	10/14/08			

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0107/1  
LRB-2966/1  
MJK:pg  
BAB: jkd

2007

**2005 BILL**

IN 9/29/06

LPS -  
PWF  
please

Regen

1 AN ACT to amend 757.69 (1) (b) of the statutes; relating to: powers and duties  
2 of part-time court commissioners. ✓

*Analysis by the Legislative Reference Bureau*

Current law confers upon a part-time or full-time court commissioner many of the same powers and duties of a judge in a criminal case, such as the power to issue a summons or conduct an initial appearance, but only a full-time court commissioner may conduct the preliminary examination and arraignment and, with the consent of both the state and the defendant, accept a guilty plea. This bill allows a part-time court commissioner to conduct the preliminary examination and arraignment and accept a guilty plea. ✓

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:*

3 SECTION 1. 757.69 (1) (b) of the statutes is amended to read: ✓  
4 757.69 (1) (b) In criminal matters issue summonses, arrest warrants or search  
5 warrants, determine probable cause to support a warrantless arrest, conduct initial  
6 appearances of persons arrested, set bail, inform the defendant in accordance with

**BILL**

1 s. 970.02 (1), and refer the person to the authority for indigency determinations  
2 specified under s. 977.07 (1). ~~A circuit court commissioner employed on a full-time~~  
3 ~~basis may,~~ conduct the preliminary examination and arraignment, and, with the  
4 consent of both the state and the defendant, accept a guilty plea. If a court refers a  
5 disputed restitution issue under s. 973.20 (13) (c) 4., the circuit court commissioner  
6 shall conduct the hearing on the matter in accordance with s. 973.20 (13) (c) 4.

7 (END)

**Duerst, Christina**

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**From:** McKinny, Chris  
**Sent:** Monday, April 02, 2007 11:21 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-0107/1 Topic: Part-time court commissioner authority

Please Jacket LRB 07-0107/1 for the ASSEMBLY.

Thanks.

Chris