



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Senate Bill 406	Assembly Amendment 1
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2015 SENATE BILL 406

Current Law

Under current law, if a defendant appears in circuit court in response to a traffic citation, the court must ask the defendant whether he or she wants to plead or wants a continuance. If the defendant pleads not guilty, the court must determine whether the defendant wants an immediate trial or a continuance.

The Bill

Senate Bill 406 deletes the requirement, for traffic citations, that a circuit court ask the defendant whether he or she wants to plead or wants a continuance. However, as under current law, the defendant may plead guilty, not guilty, or no contest. The bill continues to allow the defendant to request a continuance, and, if the defendant requests a continuance, the court must adjourn the arraignment without entering any plea. Lastly, the bill deletes the option for an immediate trial in circuit court for traffic citations other than parking violations.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 retains the changes made by the bill but also makes changes to the procedure used to extend or expand a John Doe proceeding.

Current Law

Under current law, as created by 2015 Wisconsin Act 64, a John Doe proceeding may not last longer than six months. This six-month period may only be extended if a majority of the

judicial administrative district chief judges finds good cause for the extension. Each judge's vote must be available to the public.

In addition, a John Doe proceeding may only investigate a crime that was part of the original request or complaint, unless a majority of the judicial administrative district chief judges finds good cause to add specified crimes and the identification of each judge's vote is available to the public.

The Amendment

Assembly Amendment 1 provides that the chief judge of the judicial administrative district, rather than a majority of the chief judges, decides whether to extend or expand a John Doe proceeding. If the chief judge of the judicial administrative district is presiding over the John Doe proceeding, then a chief judge of an adjoining judicial administrative district decides whether to extend or expand the proceeding. The decision of the chief judge on whether to extend or expand the proceeding must be available to the public.

In addition, under the amendment, a petition to extend or expand a John Doe proceeding is filed by the district attorney. The petition must show good cause to extend or expand the John Doe proceeding, and the petition may be supported by affidavit.

BILL HISTORY

On February 16, 2016, Representatives Loudenbeck and Hebl offered Assembly Amendment 1. On the same date, the Assembly adopted the amendment and concurred in the bill, as amended, on voice votes.

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