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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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<b>2017 Assembly Bill 231</b>	<b>Assembly Substitute Amendment 1</b>
<i>Memo published:</i> February 5, 2018	<i>Contact:</i> Steve McCarthy, Staff Attorney

### **2017 ASSEMBLY BILL 231**

Assembly Bill 231 creates an independent prosecutor board that oversees and sets policies for a state prosecutors office, also created by the bill.

Under the bill, the state prosecutors office assumes duties relating to district attorneys that current law assigns to the Department of Administration (DOA), such as preparing a budget for all of the prosecutorial units, approving appointments of special prosecutors when needed, and making requests for assistant district attorneys in certain prosecutorial units.

The bill provides that the executive director of the state prosecutors office is required to manage the office, prepare personnel policies, fiscal estimates, and an annual report, and represents the board before the Governor, the Legislature, bar associations, and courts. The executive director may also identify methods and practices for district attorneys that promote professional competence and ethical practices.

The bill requires any administrative rule that directly affects the state prosecutors office to be reviewed by the office and for the office to submit a report on the proposed rule that includes information about the effect of the proposed rule on the state prosecutors office.

The bill also requires DOA to provide the state prosecutors office with general access to a case management system currently used by the Department of Justice to manage case-related information and to share the information among prosecutors.

### **ASSEMBLY SUBSTITUTE AMENDMENT 1**

The substitute amendment retains the provisions of the bill detailed above, but adds certain requirements relating to how the transition from the state prosecutors office, which is

currently housed in DOA, to the independent state prosecutors office created by the bill, will be implemented. Specifically, the substitute amendment does the following:

- Specifies that \$225,000 is appropriated in fiscal year 2018-19 for program administration of the prosecutor board.
- Requires DOA and the state prosecutors office to administer and oversee the election of initial members to the prosecutor board by May 1, 2018, with the initial members choosing an executive director of the prosecutors office who would begin work July 1, 2018.
- Requires the prosecutor board, in consultation with DOA, to submit to the Joint Committee on Finance a plan by March 1, 2018, to house the prosecutors office in the space currently occupied by the director of the state prosecutors office. The plan must provide for a number of things relating to the transition, including providing office space for a legislative liaison and a space to accommodate meetings of the prosecutor board.
- Establishes a 14-day passive review period of the plan by the co-chairs of the Joint Committee on Finance.
- Subtracts \$181,700 from DOA's appropriation to decrease the authorized full-time equivalent positions for DOA by 1.0 general purpose revenue position for the purpose of eliminating the state prosecutor office.

## **BILL HISTORY**

Representative Tusler offered Assembly Substitute Amendment 1 on January 23, 2018. On January 31, 2018, the Assembly Committee on Government Accountability and Oversight recommended adoption of the amendment, on a vote of Ayes, 8; Noes, 0, and passage of the bill, as amended, on a vote of Ayes, 9; Noes, 0.

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