



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBs0075/1  
RPN:jld:rs

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2003 ASSEMBLY BILL 142**

May 13, 2003 - Offered by Representative ZIEGELBAUER.

1 **AN ACT** *to create* 885.01 (6) of the statutes; **relating to:** the authority of  
2 attorneys representing criminal defendants to issue subpoenas.

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***Analysis by the Legislative Reference Bureau***

Current law allows various public officials, including judges, court commissioners, arbitrators, the attorney general, district attorneys, coroners, and chairpersons of local elected bodies, to issue a subpoena to require the attendance of a witness at a proceeding, hearing, or trial. Under current law, an attorney of record in a civil action or proceeding also has the power to issue a subpoena to require the attendance of a witness at a deposition, hearing, or trial in the civil action. Attorneys representing defendants in criminal matters are not listed in the statutes as having authority to issue subpoenas. Current law provides that the rules of practice in civil actions apply in criminal actions, unless otherwise specified. However, because there is no specific authority giving attorneys representing criminal defendants the power to issue subpoenas, there is some question as to whether those attorneys currently have that authority.

