



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 695

**Assembly
Amendments 1 and 3**

Memo published: February 28, 2008

Contact: Don Dyke, Chief of Legal Services (266-0292)

Assembly Amendment 1:

1. Removes the bill's reference to a complaining individual, who under the bill is not permitted to invoke the John Doe procedure, as being able to complain "only" to the district attorney of the county in which the alleged crime occurred. The reference is removed to clarify that such an individual has available other avenues of complaint, such as law enforcement and the Department of Corrections.

2. Clarifies that the John Doe procedure may not be invoked by an individual who was detained "or committed" under ch. 980 (sexually violent person commitments) when the alleged crime occurred. The addition of "or committed" was requested by the Department of Health and Family Services to remove any doubt that the bill's limitation on use of the John Doe procedure applies to an individual who is committed under ch. 980 (even though such a circumstance is arguably also covered under proposed s. 968.26 (2) (b)).

Assembly Amendment 3:

Provides that, notwithstanding the limitations in the bill, an individual may invoke the John Doe procedure if the individual "is alleging that a law enforcement officer supplied false information and the district attorney had filed charges against the individual due to the false information the law enforcement supplied."

Legislative History

Assembly Amendment 1 was offered by the Assembly Committee on Judiciary and Ethics. Assembly Amendment 3 was offered by Representative Albers. Both amendments were adopted by the Assembly on a voice vote. Assembly Bill 695, as amended, was passed by the Assembly by a vote of Ayes, 84; Noes, 13.

DD:jal:jb:ty