



2001 SENATE BILL 207

June 14, 2001 - Introduced by Senators COWLES, DARLING and HANSEN, cosponsored by Representatives KRAWCZYK, WIECKERT, TOWNSEND, AINSWORTH, HUBER and OWENS. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

1 **AN ACT** *to create* 978.042 of the statutes; **relating to:** distribution of assistant
2 district attorney positions.

Analysis by the Legislative Reference Bureau

Under current law, the state, through the department of administration (DOA), pays for the salaries and various benefits for prosecutors (district attorneys, deputy district attorneys, and assistant district attorneys) and other state employees in district attorneys' offices. This bill directs DOA, using an estimate of the amount of time required to prosecute certain types of cases, to determine, based on the number of those cases prosecuted by and the number of prosecutors employed in each district attorney's office, the need for prosecutors across the state.

The bill further directs DOA to transfer a vacant assistant district attorney position from one district attorney's office to one or more other district attorneys' offices if: 1) the district attorney's office in which the vacancy occurs is overstaffed, based on the determination of need described above; 2) that county would remain overstaffed if the position were transferred; 3) each district attorney's office to which any portion of the position is to be transferred is understaffed, based on the determination of need; and 4) each district attorney's office to which any portion of the position is to be transferred requested authority to increase the size of its assistant district attorney staff during the fiscal biennium in which the transfer is to occur.

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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:

1 **SECTION 1.** 978.042 of the statutes is created to read:

2 **978.042 Prosecutor caseload measurement; redistribution of assistant**
3 **district attorney positions.** (1) The department of administration shall
4 determine the need of each district attorney's office for prosecutors by using a
5 weighted prosecutor caseload measurement formula. The formula shall be based on
6 the types of cases prosecuted by district attorneys' offices and the time needed to
7 prosecute those cases and shall be applied to the average number of cases filed by
8 each prosecutorial unit during the most recent 3-year period for which data is
9 available and to the number of prosecutor positions allocated to the prosecutorial
10 unit. The department of administration may consult with the Wisconsin District
11 Attorneys' Association regarding the substance of the formula.

12 (2) The department of administration shall transfer an assistant district
13 attorney position from the prosecutorial unit to which it is allocated to one or more
14 other prosecutorial units if all of the following apply:

15 (a) A vacancy occurs in the position.

16 (b) Transferring the position from the prosecutorial unit would not result in the
17 prosecutorial unit having a prosecutor workload of more than 100% of the standard
18 full-time workload, according to the weighted prosecutor caseload measurement
19 formula used under sub. (1).

20 (c) Each prosecutorial unit to which any portion of the position is transferred
21 requested authority to increase the size of its assistant district attorney staff in the

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1 fiscal biennium in which the transfer is made and has a prosecutor workload of more
2 than 100% of the standard full-time workload, according to the weighted prosecutor
3 caseload measurement formula used under sub. (1).

4 (END)