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LRB-3112/1 MGD:kmg:rs

2003 ASSEMBLY BILL 534

September 23, 2003 – Introduced by Representatives Taylor, Hebl, Cullen, Gronemus, Gundrum, Huber, J. Lehman, Miller, Plouff, Pope-Roberts and Young, cosponsored by Senators Hansen, Breske, Chvala, Lassa, Moore, Robson and Roessler, by request of Attorney General Peggy A. Lautenschlager. Referred to Committee on Judiciary.

AN ACT to amend 778.027 and 967.057 of the statutes; relating to: prosecution

decisions based on certain payments to organizations or agencies.

Analysis by the Legislative Reference Bureau

Current law prohibits a prosecutor from dismissing or amending a criminal charge in exchange for a person's payment of a contribution to a crime prevention organization or a law enforcement agency's crime prevention fund. Current law similarly prohibits a prosecutor or any other attorney representing the state or a local government from dismissing or amending a citation or complaint in a civil case in exchange for such a payment if the citation or complaint alleges a violation punishable by a forfeiture. This bill prohibits a prosecutor or any other government attorney from electing not to commence a criminal prosecution or a civil action based on a violation punishable by a forfeiture in exchange for a person's payment of money, other than restitution, to any organization or agency. This bill also extends the scope of the prohibitions in current law regarding dismissing or amending criminal or civil charges so that the prohibitions apply in cases involving payments — other than restitution — to any type of organization or agency, not just those involved in crime prevention.

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:

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Section 1. 778.027 of the statutes is amended to read:

778.027 Dismissals for Prosecution decisions based on contributions to certain organizations or agencies and government attorney conduct. A prosecutor or an attorney representing the state or a political subdivision of the state may not, in exchange for a person's payment of —a contribution to an money, other than restitution, to any organization or agency specified in s. 973.06 (1) (f) 1., dismiss or amend a citation or complaint alleging a violation that provides for a forfeiture or elect not to initiate an action or special proceeding based on such a violation.

Section 2. 967.057 of the statutes is amended to read:

967.057 Dismissals for Prosecution decisions based on contributions to certain organizations and agencies. A prosecutor may not, in exchange for a person's payment of <u>a contribution to an money, other than restitution, to any organization or agency specified in s. 973.06 (1) (f) 1.</u>, dismiss or amend a charge alleging a criminal offense or elect not to commence a criminal prosecution.

15 (END)