2007 ASSEMBLY BILL 248

April 10, 2007 – Introduced by Representatives MOLEPSKE, BALLWEG, HAHN, BERCEAU, CULLEN and MURSAU, cosponsored by Senators LASSA and GROTHMAN. Referred to Committee on Corrections and Courts.

1   AN ACT *to amend* 757.69 (1) (b) of the statutes; **relating to:** powers and duties

2   of part-time court commissioners.

Analysis by the Legislative Reference Bureau

Current law confers upon a part–time or full–time court commissioner many of the same powers and duties of a judge in a criminal case, such as the power to issue a summons or conduct an initial appearance, but only a full–time court commissioner may conduct the preliminary examination and arraignment and, with the consent of both the state and the defendant, accept a guilty plea. This bill allows a part–time court commissioner to conduct the preliminary examination and arraignment and accept a guilty plea.

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:

3   SECTION 1. 757.69 (1) (b) of the statutes is amended to read:

4   757.69 **(1)** (b) In criminal matters issue summonses, arrest warrants or search

5   warrants, determine probable cause to support a warrantless arrest, conduct initial

6   appearances of persons arrested, set bail, inform the defendant in accordance with

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1   s. 970.02 (1), ~~and~~ refer the person to the authority for indigency determinations

2   specified under s. 977.07 (1)~~. A circuit court commissioner employed on a full–time~~

3   ~~basis may~~, conduct the preliminary examination and arraignment, and, with the

4   consent of both the state and the defendant, accept a guilty plea. If a court refers a

5   disputed restitution issue under s. 973.20 (13) (c) 4., the circuit court commissioner

6   shall conduct the hearing on the matter in accordance with s. 973.20 (13) (c) 4.

7   **(END)**