



## 2011 SENATE BILL 73

April 21, 2011 - Introduced by Senator TAYLOR, cosponsored by Representatives ZIEGELBAUER, BROOKS, D. CULLEN and ROYS. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

1     **AN ACT** *to amend* 805.07 (1); and *to create* 885.01 (6) of the statutes; **relating**  
2           **to:** the authority of attorneys 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, medical examiners, boards, and chairpersons of local elected bodies, to issue a subpoena to require the attendance of a witness at a proceeding, hearing, examination, or trial. Under current law, an attorney of record in a civil action or special 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 or special proceeding. 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. Current law does not, however, explicitly authorize attorneys representing criminal defendants to issue subpoenas.

This bill specifically gives attorneys representing criminal defendants the same power to issue subpoenas provided under current law to attorneys in civil actions.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3           **SECTION 1.** 805.07 (1) of the statutes is amended to read:

