



2019 SENATE BILL 509

October 18, 2019 - Introduced by Senators MILLER, KOOYENGA, ERPENBACH, RISSER and L. TAYLOR, cosponsored by Representatives SUBECK, ANDERSON, BROSTOFF, HEBL, HESSELBEIN, SARGENT, SINICKI and VRUWINK. Referred to Committee on Government Operations, Technology and Consumer Protection.

1 **AN ACT to amend** 16.003 (2), 978.03 (1m), 978.03 (3), 978.12 (1) (a) 1. a. and
2 978.12 (1) (a) 1. b.; and **to create** 978.03 (1g) of the statutes; **relating to:**
3 allocation and payment of district attorneys.

Analysis by the Legislative Reference Bureau

Under current law, a prosecutorial unit with a population of 750,000 or more may appoint seven deputy district attorneys, and a prosecutorial unit with a population of 200,000 to 749,999 may appoint three deputy district attorneys. Under the bill, a new category is created such that a prosecutorial unit with a population of 400,000 to 749,999 may appoint five deputy district attorneys and a prosecutorial unit with a population of 200,000 to 399,999 may appoint three deputy district attorneys.

Also under current law, a district attorney's salary is determined by the population of the prosecutorial unit. Under current law, there is a category for a prosecutorial unit with a population of 250,000 to 750,000, and the next category is for a prosecutorial unit with a population of more than 750,000. Under the bill, the population cutoff point between those categories is changed from 750,000 to 400,000.

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

4 **SECTION 1.** 16.003 (2) of the statutes is amended to read:

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1 16.003 (2) STAFF. Except as provided in ss. 16.548, 978.03 (1), (1g), (1m), and
2 (2), 978.04, and 978.05 (8) (b), the secretary shall appoint the staff necessary for
3 performing the duties of the department. All staff shall be appointed under the
4 classified service except as otherwise provided by law.

5 **SECTION 2.** 978.03 (1g) of the statutes is created to read:

6 978.03 (1g) The district attorney of any prosecutorial unit having a population
7 of 400,000 or more but not more than 749,999 may appoint 5 deputy district
8 attorneys and such assistant district attorneys as may be requested by the
9 department of administration and authorized in accordance with s. 16.505. The
10 district attorney shall rank the deputy district attorneys for purposes of carrying out
11 duties under this section. The deputies, according to rank, may perform any duty
12 of the district attorney, under the district attorney's direction. In the absence or
13 disability of the district attorney, the deputies, according to rank, may perform any
14 act required by law to be performed by the district attorney. Any such deputy must
15 have practiced law in this state for at least 2 years prior to appointment under this
16 section.

17 **SECTION 3.** 978.03 (1m) of the statutes is amended to read:

18 978.03 (1m) The district attorney of any prosecutorial unit having a population
19 of 200,000 or more but ~~less than 750,000~~ not more than 399,999 may appoint 3 deputy
20 district attorneys and such assistant district attorneys as may be requested by the
21 department of administration and authorized in accordance with s. 16.505. The
22 district attorney shall rank the deputy district attorneys for purposes of carrying out
23 duties under this section. The deputies, according to rank, may perform any duty
24 of the district attorney, under the district attorney's direction. In the absence or
25 disability of the district attorney, the deputies, according to rank, may perform any

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1 act required by law to be performed by the district attorney. Any such deputy must
2 have practiced law in this state for at least 2 years prior to appointment under this
3 section.

4 **SECTION 4.** 978.03 (3) of the statutes is amended to read:

5 978.03 (3) Any assistant district attorney under sub. (1), (1g), (1m), or (2) must
6 be an attorney admitted to practice law in this state and, except as provided in s.
7 978.043 (1), may perform any duty required by law to be performed by the district
8 attorney. The district attorney of the prosecutorial unit under sub. (1), (1g), (1m), or
9 (2) may appoint such temporary counsel as may be authorized by the department of
10 administration.

11 **SECTION 5.** 978.12 (1) (a) 1. a. of the statutes is amended to read:

12 978.12 (1) (a) 1. a. Prosecutorial units having a population of more than
13 ~~750,000~~ 400,000.

14 **SECTION 6.** 978.12 (1) (a) 1. b. of the statutes is amended to read:

15 978.12 (1) (a) 1. b. Prosecutorial units having a population of more than
16 250,000 but not more than ~~750,000~~ 400,000.

17 (END)