

Senate Bill 536

Published  
January 11, 1966.

CHAPTER 505

AN ACT to amend 954.025 of the statutes, permitting a witness examined at a John Doe proceeding to have counsel present at the examination.

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

954.025 of the statutes is amended to read:

954.025 If a person complains to a magistrate that he has reason to believe that a crime has been committed within his jurisdiction, the magistrate shall examine the complainant on oath and any witnesses produced by him and may, and at the request of the district attorney shall, subpoena and examine other witnesses to ascertain whether a crime has been committed and by whom committed. The extent to which the magistrate may proceed in such examination is within his discretion. The examination may be adjourned and may be secret. *Any witness examined under this section may have counsel present at the examination but such counsel shall not be allowed to examine his client, cross-examine other witnesses or argue before the magistrate.* If it appears probable from the testimony given that a crime has been committed and who committed it, the complaint shall be reduced to writing and signed and verified; and thereupon a warrant shall issue for the arrest of the accused. The record of such proceeding and the testimony taken shall not be open to inspection by anyone except the district attorney unless it is used by the prosecution at the preliminary hearing or the trial of the accused and then only to the extent that it is so used.

Approved December 21, 1965.