

1999 DRAFTING REQUEST

Bill

Received: **12/14/98**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Statz**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - district attys**

Extra Copies:

Topic:

DOA:.....Statz - Ch. 980 prosecutors

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	olsenje 12/23/98	ygeller 12/23/98	martykr 12/23/98	_____	lrb_docadmin 12/23/98		
/2	olsenje 01/18/99	ygeller 01/18/99	jfrantze 01/19/99	_____	lrb_docadmin 01/19/99		

FE Sent For:

<END>

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1/2 1/8 jcg
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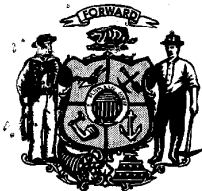
See Attached

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1?	olsenje	1 12/23 JLG	12/23 Jm	J 12/23			

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<END>



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 East Wilson Street, Madison, Wisconsin

TOMMY G. THOMPSON
GOVERNOR
MARK D. BUGHER
SECRETARY

Mailing Address:
Post Office Box 7864
Madison, WI 53707-7864



1268

Date: December 10, 1998

To: Steve Miller
Legislative Reference Bureau

From: Andrew J. Statz *AS*
DOA - State Budget Office

Subject: Sex predator positions for DAs

In the Governor's budget, we recommend the conversion of 2.0 FTE regional sex predator assistant district attorneys (ADA) from project to permanent status. Our drafting request comes in two parts:

Statutory. We want these positions to handle only sex predator cases and offer assistance to offices in their regions (as originally intended in the 1997-99 budget). We do not want them taking up unrelated cases for their home offices. To avoid their absorption by the Milwaukee and Brown county DA offices, we want to define the regional nature of these positions in statute. The attached non-statutory provision could serve as a model. The new permanent provision does not need to include a list of the specific counties that compose a region.

Non-statutory. We would also like to continue the required "time spent" studies for an additional two years. These studies have been a useful tool in tracking cases and the impact of sex predator legislation. Another non-statutory provision like the attached with a new sunset date would suffice.

Attached is a copy of the original non-statutory provisions. Let me know if you have any questions. Thanks.

attachments

to the department of administration for the office of justice assistance under section 20.505 (6) (g) of the statutes, as affected by this act, and section 20.505 (6) (pb) of the statutes, the department shall expend \$81,600 in fiscal year 1997-98 and \$84,900 in fiscal year 1998-99 to provide the multi-jurisdictional enforcement group serving Dane County with funding for one assistant district attorney to prosecute criminal violations of chapter 961 of the statutes as affected by this act. The funding is not subject to the grant procedure under section 16.964 (2m) of the statutes.

Vetoed (4) ~~TRANSFER OF SENTENCING COMMISSION RECORDS.~~
In Part The department of administration shall transfer all records of the sentencing commission to the director of state courts as soon as possible after September 1, 1997, or the effective date of this subsection, whichever is later.

(6) DISTRICT ATTORNEYS FOR PROSECUTION OF SEXUALLY VIOLENT PERSONS COMMITMENT CASES. Of the authorized FTE positions for the department of administration for assistant district attorneys under sections 978.03 and 978.04 of the statutes, 2.0 GPR project positions shall be used for the period ending on June 30, 1999, to provide one assistant district attorney for Brown County and one assistant district attorney for Milwaukee County, to file and prosecute proceedings under chapter 980 of the statutes, as affected by this act, in any prosecutorial unit, as defined in section 978.001 (2) of the statutes, in this state.

(7) INFORMATION CONCERNING SEXUALLY VIOLENT PERSON COMMITMENT CASES.

(a) In any case in which the district attorney files a sexually violent person petition under section 980.02 (1) (b) of the statutes, as affected by this act, on or after the effective date of this paragraph but before July 1, 1999, the district attorney shall maintain a record of the amount of time spent by the district attorney and by any deputy district attorneys or assistant district attorneys doing all of the following:

1. Prosecuting the petition through trial under section 980.05 of the statutes and, if applicable, commitment of the person subject to the petition under section 980.06 of the statutes, as affected by this act.

2. If applicable, representing the state on petitions for supervised release under section 980.08 of the statutes, as affected by this act, or for discharge under section 980.09 or 980.10 of the statutes brought by the person who is the subject of the petition.

(b) Annually, on a date specified by the department of administration, the district attorney shall submit to the department of administration a report summarizing the records under paragraph (a) covering the preceding 12-month period. The department of administration shall maintain the information submitted under this paragraph by district attorneys.

(9) INITIAL APPOINTMENTS TO TECHNOLOGY FOR EDUCATIONAL ACHIEVEMENT IN WISCONSIN BOARD. Notwithstanding section 15.105 (25) (intro.) of the statutes,

as created by this act, the initial members of the technology for educational achievement in Wisconsin board appointed under section 15.105 (25) (a), (b) and (bm) of the statutes, as created by this act, and one of the initial members appointed under section 15.105 (25) (c) of the statutes, as created by this act, shall serve for terms expiring on May 1, 2001; 2 of the initial members of the technology for educational achievement in Wisconsin board appointed under section 15.105 (25) (c) of the statutes, as created by this act, shall serve for terms expiring on May 1, 1999; and one of the initial members of the technology for educational achievement in Wisconsin board appointed under section 15.105 (25) (c) of the statutes, as created by this act, shall serve for a term expiring on May 1, 2003.

(9m) RULES RELATING TO EDUCATIONAL TECHNOLOGY TRAINING GRANTS.

(a) Subject to paragraph (b), the technology for educational achievement in Wisconsin board shall promulgate the rules required under section 44.72 (4) of the statutes, as created by this act, for a period that does not exceed the period authorized under section 227.24 (1) (a) and (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the board need not provide evidence of the necessity of preserving the public peace, health, safety or welfare in promulgating the rules under this paragraph.

(b) The board shall submit the proposed rules under paragraph (a) to the cochairpersons of the joint committee on information policy. If the cochairpersons of the committee do not notify the board that the committee has scheduled a meeting for the purpose of reviewing the proposed rules within 14 working days after the date of the board's submittal, the board may proceed to promulgate the rules. If, within 14 working days after the date of the board's submittal, the cochairpersons of the committee notify the board that the committee has scheduled a meeting for the purpose of reviewing the proposed rules, the board shall not promulgate the rules until the committee approves the rules.

(9s) RULES RELATING TO EDUCATIONAL TECHNOLOGY INFRASTRUCTURE LOANS.

(a) Subject to paragraph (b), the technology for educational achievement in Wisconsin board shall promulgate the rules required under section 44.72 (4) of the statutes, as created by this act, for the period that permanent rules take effect, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the board need not provide evidence of the necessity of preserving the public peace, health, safety or welfare in promulgating the rules under this paragraph.

(b) The board shall submit the proposed rules under paragraph (a) to the cochairpersons of the joint committee

Vetoed
In Part



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1268/1

JEO:K:...

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DOA:.....Statz - Ch. 980 prosecutors

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

WFO - check auto refs

do not gen. cat.

1 AN ACT...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT ✓

DISTRICT ATTORNEYS ✓

Under current law, the state pays for the salaries of and various benefits for district attorneys, deputy district attorneys and assistant district attorneys. Among their many duties, district attorneys may, if the attorney general has declined to do so, bring a petition under the sexually violent person commitment law seeking the commitment for involuntary treatment of a person found to be a sexually violent person.

This bill provides that two assistant district attorney positions (one each in Brown and Milwaukee counties) shall be used exclusively to file and prosecute sexually violent person commitment petitions anywhere in this state. The bill also requires district attorneys to maintain records of the time spent on cases brought under the sexually violent person commitment law and to report that information to the department of administration. The records must be maintained during the period ending on June 30, 2001. (DOA)

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

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

2 978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be
3 an attorney admitted to practice law in this state and, except as provided in s.
4 978.043 [✓], may perform any duty required by law to be performed by the district
5 attorney. The district attorney of the prosecutorial unit under sub. (1), (1m) or (2)
6 may appoint such temporary counsel as may be authorized by the department of
7 administration.

8 History: 1989 a. 31; 1991 a. 39.

8 **SECTION 2.** 978.04 ^X of the statutes is amended to read:

9 **978.04 Assistants in certain prosecutorial units.** The district attorney of
10 any prosecutorial unit having a population of less than 100,000 may appoint one or
11 more assistant district attorneys as necessary to carry out the duties of his or her
12 office and as may be requested by the department of administration authorized in
13 accordance with s. 16.505. Any such assistant district attorney must be an attorney
14 admitted to practice law in this state and, except as provided in s. 978.043 [✓], may
15 perform any duty required by law to be performed by the district attorney.

16 History: 1989 a. 31.

16 **SECTION 3.** 978.043 [✓] of the statutes is created to read:

17 **978.043 Assistants for prosecution of sexually violent person**
18 **commitment cases.** The district attorney of the prosecutorial unit that consists of
19 Brown county and the district attorney of the prosecutorial unit that consists of
20 Milwaukee county shall each assign one assistant district attorney in his or her
21 prosecutorial unit to be a sexually violent person commitment prosecutor. An
22 assistant district attorney assigned under this section to be a sexually violent person
23 commitment prosecutor may engage only in the prosecution of sexually violent
24 person commitment proceedings under ch. 980 and, at the request of the district

1 attorney of the prosecutorial unit, may file and prosecute sexually violent person
2 commitment proceedings in any prosecutorial unit in this state.

3 **SECTION 4.** 978.05 (8) (b) of the statutes is amended to read:

4 978.05 (8) (b) Hire, employ and supervise his or her staff and, subject to s.
5 978.043, make appropriate assignments of the staff throughout the prosecutorial
6 unit. The district attorney may request the assistance of district attorneys, deputy
7 district attorneys or assistant district attorneys from other prosecutorial units or
8 assistant attorneys general who then may appear and assist in the investigation and
9 prosecution of any matter for which a district attorney is responsible under this
10 chapter in like manner as assistants in the prosecutorial unit and with the same
11 authority as the district attorney in the unit in which the action is brought. Nothing
12 in this paragraph limits the authority of counties to regulate the hiring, employment
13 and supervision of county employees.

History: 1989 a. 31, 117, 336; 1991 a. 16, 32, 39; 1993 a. 98; 1995 a. 27 ss. 7291, 7292, 9116 (5), 9130 (4); 1995 a. 77, 201, 448; Sup. Ct. Order No. 96-08, 207 W (2d) xv (1997); 1997 a. 3, 35, 73.

14 **SECTION 9101. Nonstatutory provisions; administration.**

15 (1) INFORMATION CONCERNING SEXUALLY VIOLENT PERSON COMMITMENT CASES.

16 (a) In any case in which the district attorney files a sexually violent person
17 petition under section 980.02 (1) (b) of the statutes on or after the effective date this
18 paragraph but before July 1, 2001, the district attorney shall maintain a record of
19 the amount of time spent by the district attorney and by any deputy district attorneys
20 or assistant district attorneys doing all of the following:

21 1. Prosecuting the petition through trial under section 980.05 of the statutes
22 and, if applicable, commitment of the person subject to the petition under section
23 980.06 of the statutes.

Olsen, Jefren

From: Statz, Andrew [andrew.statz@doa.state.wi.us]
Sent: Saturday, January 16, 1999 3:00 PM
To: Olsen, Jefren
Cc: Miller, Steve
Subject: Misc. revisions

#0454/1 -- Please strike the reference to "bequests" in the title. Also, references to (g) and (h) must be updated to reflect changes in #1265 Distribution of penalty assessment. I imagine you could include this with revisions to 1265 that we just discussed.

#1413/2 -- Please strike "department of administration's" in the opening narrative (second sentence on page 1). This is a minor technicality.

#1268/1 -- Please revise line 2 on page 3 to read, "commitment proceedings under ch. 980 in any prosecutorial unit in this state as defined in 978.001(2)."

Thanks as always.

Andrew J. Statz
State Budget Office
608-267-0370



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1268/1
JEO:jlg:km

Soon D-Note

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DOA:.....Statz - Ch. 980 prosecutors

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

DISTRICT ATTORNEYS

Under current law, the state pays for the salaries of and various benefits for district attorneys, deputy district attorneys and assistant district attorneys. Among their many duties, district attorneys may, if the attorney general has declined to do so, bring a petition under the sexually violent person commitment law seeking the commitment for involuntary treatment of a person found to be a sexually violent person.

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3 an attorney admitted to practice law in this state and, except as provided in s.
4 978.043, may perform any duty required by law to be performed by the district
5 attorney. The district attorney of the prosecutorial unit under sub. (1), (1m) or (2)
6 may appoint such temporary counsel as may be authorized by the department of
7 administration.

8 **SECTION 2.** 978.04 of the statutes is amended to read:

9 **978.04 Assistants in certain prosecutorial units.** The district attorney of
10 any prosecutorial unit having a population of less than 100,000 may appoint one or
11 more assistant district attorneys as necessary to carry out the duties of his or her
12 office and as may be requested by the department of administration authorized in
13 accordance with s. 16.505. Any such assistant district attorney must be an attorney
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19 Brown County and the district attorney of the prosecutorial unit that consists of
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22 assistant district attorney assigned under this section to be a sexually violent person
23 commitment prosecutor may engage only in the prosecution of sexually violent
24 person commitment proceedings under ch. 980 and, at the request of the district

1 attorney of the prosecutorial unit, may file and prosecute sexually violent person
2 commitment proceedings under ch. 980 in any prosecutorial unit in this state.

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8 assistant attorneys general who then may appear and assist in the investigation and
9 prosecution of any matter for which a district attorney is responsible under this
10 chapter in like manner as assistants in the prosecutorial unit and with the same
11 authority as the district attorney in the unit in which the action is brought. Nothing
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FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1268/2dn

JEO:.....

^
JG

There is no need to add a reference in proposed s. 978.043[✓] to prosecutorial unit "as defined in s. 978.001 (2)" because the definition covers all of ch. 978 and proposed s. 978.043[✓] is in ch. 978.[✓]

Jefren E. Olsen
Legislative Attorney
266-8906

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LRB-1268/2dn
JEO:jlg:jf

January 19, 1999

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1268/2

JEO:jljgf

DOA:.....Statz – Ch. 980 prosecutors

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