

2001 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB254)

Received: 09/10/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Mark Gundrum (608) 267-5158

By/Representing: Don Dyke

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Addl. Drafters:

Subject: Courts - civil procedure

Extra Copies:

Submit via email: YES

Requester's email: Rep.Gundrum@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Power to issue subpoenas

Instructions:

See Attached remove changes in 805.07 (1) and limit 885.01 (6) to criminal actions and proceedings

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>
/?	nelsorp1 09/10/2001	jdye 09/11/2001					
/1			jfrantze 09/11/2001		lrb_docadmin 09/11/2001	lrb_docadmin 09/11/2001	
/2	nelsorp1	jdye	pgreensl		lrb_docadmin	lrb_docadmin	

<u>Vars.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	09/13/2001	09/13/2001	09/13/2001	_____	09/13/2001	09/13/2001	

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SOON

RPN
jld

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~
**ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2001 ASSEMBLY BILL 254**

Gen

1 AN ACT ...; relating to: ~~the~~ *the* authority of attorneys representing criminal defendants to issue subpoenas.

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

2

~~SECTION~~

2001 ASSEMBLY BILL 254

March 26, 2001 - Introduced by Representatives ZIEGELBAUER, SHERMAN, MILLER and STASKUNAS. Referred to Committee on Judiciary.

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.**

Analysis by the Legislative Reference Bureau

Current law allows various public officials, including judges, court commissioners, arbitrators, the attorney general, district attorneys, coroners, and chairpersons of local elected bodies, to issue a subpoena to require the attendance of a witness at a proceeding, hearing, or trial. Under current law, an attorney of record in a civil action or 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. 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. However, because there is no specific authority giving attorneys representing criminal defendants the power to issue subpoenas, there is some question as to whether those attorneys currently have that authority.

This bill specifically gives attorneys representing criminal defendants the same power to issue subpoenas as is currently provided to attorneys in civil actions.

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:

↓



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBs0168/1
RPN:jld:jf

SOON

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2001 ASSEMBLY BILL 254

Regen

1 AN ACT *to create* 885.01 (6) of the statutes; **relating to:** the authority of
2 attorneys representing criminal defendants to issue subpoenas.

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

3 SECTION 1. 885.01 (6) of the statutes is created to read:

4 885.01 (6) By an attorney of record in a criminal action or ~~special~~ proceeding.

5 SECTION 2. Initial applicability.

6 (1) This act first applies to actions or ~~special~~ proceedings pending on the
7 effective date of this subsection.

8

(END)

Emery, Lynn

From: Emery, Lynn
Sent: Thursday, September 13, 2001 12:54 PM
To: Rep.Gundrum
Subject: LRB s0168/2 (attached)

Lynn Emery

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9/13/2001