

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2552/1dn
ARG:jld:kjf

March 22, 2001

The legal basis for the Court of Appeal's decision in *State v. Phillips* would allow depositions and other civil discovery to be conducted in any prosecution for an alcohol beverages violation that results in a forfeiture. The attached draft prohibits the taking of depositions and service of written discovery in prosecutions for all of these violations, not just in prosecutions for underage drinking. Is this consistent with your intent?

Also, the attached draft allows both the prosecuting party and the defendant to conduct the same limited discovery (which does not include depositions) that would be allowed in a criminal proceeding. Is this consistent with your intent, or would you like to completely prohibit discovery in forfeiture proceedings?

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