

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 263**

September 2, 2005 – Offered by Representative DAVIS.

1 **AN ACT** *to renumber* 895.35; and *to create* 895.35 (2) of the statutes; **relating**
2 **to:** payment of attorney fees of emergency medical services personnel, fire
3 fighters, first responders, and law enforcement or correctional officers.

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

4 **SECTION 1.** 895.35 of the statutes is renumbered 895.35 (1).

5 **SECTION 2.** 895.35 (2) of the statutes is created to read:

6 895.35 **(2)** (a) In this subsection:

7 1. “Criminal proceeding” means an action or proceeding under chs. 967 to 979.

8 2. “Protective services officer” means an emergency medical technician or first
9 responder under s. 146.50 (1) (e) to (hm), a fire fighter, or a law enforcement or
10 correctional officer.

11 (b) 1. Notwithstanding sub. (1), the city, town, village, school district, technical
12 college district, or county shall reimburse a protective services officer for reasonable

1 attorney fees incurred by the officer in connection with a criminal proceeding arising
2 from the officer's conduct in the performance of official duties unless, in relation to
3 that conduct, any of the following applies:

4 a. The officer is convicted of a crime.

5 b. The officer's employment is terminated for cause.

6 c. The officer resigns for reasons other than retirement before the attorney fees
7 are incurred.

8 d. The officer is demoted or reduced in rank.

9 e. The officer is suspended without pay for 10 or more working days.

10 2. If a collective bargaining agreement covering the protective services officer
11 defines reasonable attorney fees for the purpose of subd. 1., that definition shall
12 apply.

13 **SECTION 3. Initial applicability.**

14 (1) This act first applies to attorney fees incurred on the effective date of this
15 subsection.

16 (END)