

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4240/2dn
JTK:kjf:rs

February 6, 2006

Amy Kasper:

1. Proposed s. 20.931, which specifically bars payment from state appropriations of certain legal expenses or costs incurred by state officers or employees who are investigated for, charged with, or convicted of a criminal violation of ch. 11, stats. [the campaign finance law], or subch. III of ch. 19, stats. [the code of ethics for state public officials and employees], may raise the inference that it might be possible to use state appropriations to pay criminal defense expenses or costs incurred by violators or alleged violators of other state laws. Under current law, in most cases, this payment would either not be authorized by law or would violate the public purpose test, or both.
2. If proposed s. 20.931 is limited only to violations of ch. 11 and subch. III of ch. 19, stats., you may want to consider including s. 946.12 [misconduct in public office] in your proposed prohibition.
3. Although we did not discuss it, I would note in this connection that s. 895.35, stats., currently requires payment of legal expenses for certain local government officers who are charged with criminal violations of the law and in one narrow case, authorizes payment of legal expenses for these officers if they are convicted of criminal violations.

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