

SENATE BILL 244 (LRB -2648)

An Act to amend 778.027 and 967.057 of the statutes; relating to: prosecution decisions based on certain payments to organizations or agencies. (FE)

2007

07-23.	S.	Introduced by Senators Hansen, Lehman and Lassa ; cosponsored by Representatives Albers, Soletski, Berceau and Townsend .	
07-23.	S.	Read first time and referred to committee on Judiciary and Corrections	290
08-07.	S.	Fiscal estimate received.	
08-15.	S.	Fiscal estimate received.	
10-23.	S.	Public hearing held.	
11-06.	S.	Rereferred to committee on Judiciary, Corrections, and Housing, by committee on Senate Organization, pursuant to Senate Rule 20 (1)(c)	410
12-04.	S.	Executive action taken.	
12-05.	S.	Report introduction and adoption of Senate Amendment 1 recommended by committee on Judiciary, Corrections, and Housing, Ayes 5, Noes 0 (LRB a0904)	452
12-05.	S.	Report passage as amended recommended by committee on Judiciary, Corrections, and Housing, Ayes 5, Noes 0	452
12-05.	S.	Available for scheduling.	

2008

01-09.	S.	Placed on calendar 1-15-2008 by committee on Senate Organization.	
01-15.	S.	Read a second time	505
01-15.	S.	Senate amendment 1 adopted	505
01-15.	S.	Ordered to a third reading	505
01-15.	S.	Rules suspended	505
01-15.	S.	Read a third time and passed	505
01-15.	S.	Senator Roessler added as a coauthor	503
01-15.	S.	Ordered immediately messaged	508
02-04.	A.	Received from Senate	485
02-04.	A.	Read first time and referred to committee on Rules	486
02-21.	A.	Placed on calendar 2-26-2008 by committee on Rules.	
02-26.	A.	Read a second time	557
02-26.	A.	Ordered to a third reading	557
02-26.	A.	Rules suspended	557
02-26.	A.	Read a third time and concurrent in	557
02-26.	A.	Ordered immediately messaged	557
02-27.	S.	Received from Assembly concurred in.	

2007

ENROLLED BILL

07en SB-244

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

07 2648/1

Amendments to above (if none, write "NONE"): SAI - 20904/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

2-27-08 J. Blum
Date Enrolling Drafter

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2007 SENATE BILL 244

July 23, 2007 - Introduced by Senators HANSEN, LEHMAN and LASSA, cosponsored by Representatives ALBERS, SOLETSKI, BERCEAU and TOWNSEND. Referred to Committee on Judiciary and Corrections.

1 **AN ACT to amend 778.027 and 967.057 of the statutes; relating to:** prosecution
2 decisions based on certain payments to organizations or agencies.

INSERT
SAI-1

Analysis by the Legislative Reference Bureau

Current law prohibits a prosecutor from dismissing or amending a criminal charge in exchange for a person's payment of a contribution to a crime prevention organization or a law enforcement agency's crime prevention fund. Current law similarly prohibits a prosecutor or an attorney representing the state or a local government from dismissing or amending a citation or complaint in a civil case in exchange for such a payment if the citation or complaint alleges a violation punishable by a forfeiture. This bill extends the scope of these prohibitions so that they apply to a decision by a prosecutor or other government attorney not to commence a criminal prosecution or an action for a forfeiture, not just to a decision to dismiss or amend a charge, citation, or complaint that is already filed. The bill also extends the scope of the prohibitions so that they apply in cases involving payments other than restitution to any type of organization or agency, not just those involved in crime prevention.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SENATE BILL 244

SECTION 1

INSERT SAI-2

INSERT SAI-3

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SECTION 1. 778.027 of the statutes is amended to read:

778.027 Dismissals for Prosecution decisions based on contributions

~~to certain~~ ^{INS. SAI-4} **organizations or agencies.** A prosecutor or an attorney representing the state or a political subdivision of the state may not, in exchange for a person's payment of ~~a contribution to an~~ money, other than restitution, to any organization or agency specified in s. 973.06 (1) (f) 1., dismiss or amend a citation or complaint alleging a violation that provides for a forfeiture or elect not to initiate an action for ~~a forfeiture based on such a violation.~~ ^{INS. SAI-5} ~~a forfeiture based on such a violation.~~ ^{INSERT SAI-7}

INSERT SAI-6

SECTION 2. 967.057 of the statutes is amended to read:

967.057 Dismissals for Prosecution decisions based on contributions

~~to certain~~ **organizations and agencies.** A prosecutor may not, in exchange for a person's payment of ~~a contribution to an~~ money, other than restitution, to any organization or agency specified in s. 973.06 (1) (f) 1., dismiss or amend a charge alleging a criminal offense or elect not to commence a criminal prosecution.

(END)

INSERT SAI-9

INSERT SAI-8

**SENATE AMENDMENT 1,
TO 2007 SENATE BILL 244**

December 5, 2007 - Offered by COMMITTEE ON JUDICIARY, CORRECTIONS, AND HOUSING.

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At the locations indicated, amend the bill as follows:

SAI-1

1. Page 1, line 2: after "agencies" insert "and eliminating required payment of contribution surcharges to crime prevention organizations and funds".

2. Page 2, line 1: before that line insert:

"SECTION 1b. 753.40 of the statutes is repealed.

SECTION 1d. 755.20 of the statutes is repealed.

SECTION 1e. 757.17 of the statutes is repealed."

SAI-2

3. Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1f".

SAI-3

4. Page 2, line 3: delete "certain" and substitute "certain".

SAI-4

5. Page 2, line 3: after "agencies" insert "and government attorney conduct".

SAI-5

6. Page 2, line 7: delete "action for" and substitute "action".

SAI-6

SAI-7

1 7. Page 2, line 8: delete "a forfeiture" and substitute "or special proceeding".

2 8. Page 2, line 8: after that line insert:

3 "SECTION 1h. 814.75 (4) of the statutes is repealed.
4 SECTION 1j. 814.76 (3) of the statutes is repealed.
5 SECTION 1k. 814.77 (3) of the statutes is repealed.
6 SECTION 1m. 814.78 (4) of the statutes is repealed.
7 SECTION 1o. 814.79 (3) of the statutes is repealed.
8 SECTION 1p. 814.80 (4) of the statutes is repealed.
9 SECTION 1t. 814.81 (4) of the statutes is repealed.".

SAI-8

10 9. Page 2, line 14: after that line insert:

11 "SECTION 2e. 973.06 (1) (f) of the statutes is repealed.
12 SECTION 2m. 973.09 (1x) of the statutes is repealed.
13 SECTION 2s. 973.11 (1) (b) of the statutes is amended to read:
14 973.11 (1) (b) Any requirement that the court may impose under s. 973.09 (1g),
15 (~~1x~~), (4), and (7m)."

SAI-9

16 (END)