

2007 DRAFTING REQUEST

Senate Amendment (SA-SB244)

Received: 11/19/2007

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: David Hansen (608) 266-5670

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Criminal Law - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Hansen@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prosecutions after contributions

Instructions:

See Attached

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>
/?	phurley 11/19/2007			_____			
/1			rschluet 11/19/2007	_____	sbasford 11/19/2007	sbasford 11/19/2007	

FE Sent For:

<END>

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FE Sent For:

<END>

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.

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:

2007 - 2008 LEGISLATURE

LRB 0784/1

PJH:.....

lmk
ewlj

SENATE AMENDMENT,
TO 2007 SENATE BILL 244

307

soon
11-15-07

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 2: after "agencies" insert INSERT A

3 2. Page 2, line 1: before that line insert: INSERT B

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

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

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

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

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

9 8. Page 2, line 8: after that line insert: INSERT C

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

11 (END)

LPS:PB
chg comp

NOCC
lc
proceeding

2007 ASSEMBLY BILL 472

August 2, 2007 – Introduced by Representatives ALBERS, SOLETSKI, BERCEAU and TOWNSEND, cosponsored by Senators HANSEN, LEHMAN and LASSA. Referred to Committee on Judiciary and Ethics.

1 AN ACT *to repeal* 753.40, 755.20, 757.17, 814.75 (4), 814.76 (3), 814.77 (3), 814.78
 2 (4), 814.79 (3), 814.80 (4), 814.81 (4), 973.06 (1) (f) and 973.09 (1x); and *to*
 3 *amend* 778.027, 967.057 and 973.11 (1) (b) of the statutes; **relating to:**
 4 prosecution decisions based on certain payments to organizations or agencies
 5 and eliminating required payment of contribution surcharges to crime
 6 prevention organizations and funds.

Analysis by the Legislative Reference Bureau

Under current law, a court may require a person who commits a crime or who violates an ordinance that prohibits conduct that also is punishable under statute by fine or imprisonment to pay a contribution surcharge to a crime prevention organization or a law enforcement agency's crime prevention fund. This bill eliminates this discretion to require payment of the contribution surcharge.

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 any other 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 prohibits a prosecutor or any other government attorney from electing not to commence a criminal prosecution or a civil action based

ASSEMBLY BILL 472

on a violation punishable by a forfeiture in exchange for a person's payment of money, other than restitution, to any organization or agency. This bill also extends the scope of the prohibitions in current law regarding dismissing or amending criminal or civil charges so that the prohibitions 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.

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

9 **SECTION 1.** 753.40 of the statutes is repealed.

SECTION 2. 755.20 of the statutes is repealed.

SECTION 3. 757.17 of the statutes is repealed.

SECTION 4. 778.027 of the statutes is amended to read:

778.027 Dismissals for Prosecution decisions based on contributions

to certain organizations or agencies and government attorney conduct. 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 or special proceeding based on such a violation.

10 **SECTION 5.** 814.75 (4) of the statutes is repealed.

SECTION 6. 814.76 (3) of the statutes is repealed.

SECTION 7. 814.77 (3) of the statutes is repealed.

SECTION 8. 814.78 (4) of the statutes is repealed.

letter "h" **SECTION 9.** 814.79 (3) of the statutes is repealed.

SECTION 10. 814.80 (4) of the statutes is repealed.

SECTION 11. 814.81 (4) of the statutes is repealed.

Insert C

ASSEMBLY BILL 472

1 SECTION 12. 967.057 of the statutes is amended to read:

2 **967.057 Dismissals for Prosecution decisions based on contributions**
3 **to certain organizations and agencies.** A prosecutor may not, in exchange for
4 a person's payment of ~~a contribution to an~~ money, other than restitution, to any
5 organization or agency specified in s. 973.06 (1) (f) 1., dismiss or amend a charge
6 alleging a criminal offense or elect not to commence a criminal prosecution.

7 ~~SECTION 13:~~ 973.06 (1) (f) of the statutes is repealed.

8 ~~SECTION 14:~~ 973.09 (1x) of the statutes is repealed.

9 ~~SECTION 15:~~ 973.11 (1) (b) of the statutes is amended to read:

10 973.11 (1) (b) Any requirement that the court may impose under s. 973.09 (1g),
11 ~~(1x),~~ (4), and (7m). ^uo

12 (END)

Insert D