

**2009 DRAFTING REQUEST**

**Assembly Amendment (AA-AB78)**

Received: **03/19/2009**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing: **Don Dyke**

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - procedure**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gundrum@legis.wisconsin.gov**

Carbon copy (CC:) to: **don.dyke@legis.wisconsin.gov**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Special prosecutor appointed if district attorney refuses to issues charges

---

**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>
/1	chanaman 03/19/2009	jdye 03/19/2009	rschluet 03/19/2009	_____	cdurst 03/19/2009	cdurst 03/19/2009	

FE Sent For:

<END>

**2009 DRAFTING REQUEST**

**Assembly Amendment (AA-AB78)**

Received: 03/19/2009

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing: **Don Dyke**

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - procedure**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gundrum@legis.wisconsin.gov**

Carbon copy (CC:) to: **don.dyke@legis.wisconsin.gov**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Special prosecutor appointed if district attorney refuses to issues charges

---

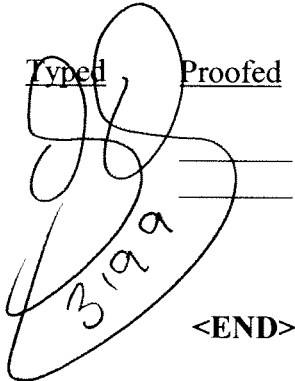
**Instructions:**

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>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/1	chanaman	1/3/19jld					
----	----------	-----------	---	--	--	--	--

FE Sent For:

<END>

Rep. 14 Gundrum

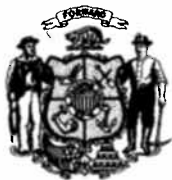
AB 28 John Doe

Amd. to make the charging  
decision done by special  
prosecutor, not by  
the J.

p 5, line 1-5

Can talk to Don Dyke

By 3:30 pm



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa0143/1

CMH: a:...

NOW

JLD

ASSEMBLY AMENDMENT,  
TO 2009 ASSEMBLY BILL 78

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

2 **1.** Page 3, line 11: after "the judge" insert "may appoint a prosecutor under s.  
3 978.045 (1r) to attend or participate in the proceeding at the judge's discretion. The  
4 judge".

5 **2.** Page 5, line 1: delete that line and substitute:

6 "(d) 1. In a proceeding convened under par. (b), if the judge does not appoint a  
7 prosecutor as permitted under par. (c), the judge may issue a criminal".

8 **3.** Page 5, line 5: after that line insert:

9 "2. In a proceeding convened under par. (b), if the judge appoints a prosecutor  
10 as permitted under par. (c), the prosecutor may issue charges."

↑  
check A

1

4. Page 5, line 25: after "investigations." insert "In a John Does proceeding  
2 under s. 968.26, a judge may appoint an attorney as a special prosecutor under s.  
3 968.26 (2) (c)."

2

3

4

(END)