# 2009 DRAFTING REQUEST

# Assembly Amendment (AA-AB78)

Recei ved: 04/06/2009  Wanted: As time permits  For: Mark Gundrum (608) 267-5158  This file may be shown to any legislator: NO				Received By: chanaman				
					Identical to LRB:  By/Representing: Don Dyke  Drafter: chanaman			
May Cont	act:				Addl. Drafters:			
Subje <b>&lt;</b> t: <b>Criminal Law - procedure</b>					Extra Copies:			
Subm it vi	a email: YES							
Requester	's email:	Rep.Gundı	rum@legis.	wisconsin.go	v			
Carbon co	opy (CC:) to:	don.dyke@	legis.wisco	nsin.gov				
Pre Topi	c:				4			
No specif	ic pre topic gi	ven						
Topic:								
John Doe	provisions							
Instructi	ons:							
See attach	ned same as a	a0148						
Drafting	History:							
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required	
/?	chanaman 04/06/2009	csicilia 04/07/2009						
/1	chanaman 04/08/2009	csicilia 04/08/2009	phenry 04/07/200	)9	cduerst 04/07/2009	cduerst 04/07/2009		
/2			phenry 04/08/200	)9	cduerst 04/08/2009	cduerst 04/08/2009		

**LRBa0182** 04/08/2009 12:05:11 PM Page 2

FE Seint For:

<**END>** 

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								Subject: Criminal Law - procedure			Extra Copies:				
Subm <b>i</b> t v	ria email: <b>YES</b>														
Requeste	er's email:	Rep.Gunda	rum@legis.	wisconsin.go	ov										
Carbon	copy (CC:) to:	don.dyke@	legis.wisco	nsin.gov											
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Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required								
/?	chanaman 04/06/2009	csicilia 04/07/2009													
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4.

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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:

Subm it 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

John Doe provisions

**Instructions:** 

Topic:

See attached-- same as a0148

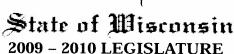
**Drafting History:** 

<u>Vers.</u> <u>Drafted</u> <u>Reviewed</u> <u>Typed</u> <u>Proofed</u> <u>Submitted</u> <u>Jacketed</u> <u>Required</u>

/? chanaman / 47 // 4/

FE Sent For:





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ASSEMBLY AMENDMENT, TO 2009 ASSEMBLY BILL 78

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At the locations indicated, amend the bill as follows:

**1.** Page 2, line 2: delete the material beginning with that line and ending with page 3, line 2, and substitute:

"895.46 **(9)** (a) The state shall reimburse a state officer or state employee for reasonable attorney fees and costs incurred by the officer or employee in connection with a John Doe proceeding under s. 968.26 (2) arising from the officer's or employee's conduct in the performance of official duties if the officer or employee was acting within the scope of his or her employment.

- (b) The state shall reimburse a state officer or state employee for reasonable attorney fees and costs incurred by the officer or employee in defending a criminal complaint issued under s. 968.26 (2) (d) arising from the officer's or employee's conduct in the performance of official duties if all of the following apply:
  - 1. The officer or employee was acting within the scope of his or her employment.

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- 2. The officer or employee is not convicted of a crime arising from the conduct 1 2 that is the subject of the criminal complaint issued under s. 968.26 (2) (d).". 2. Page 3, line 6: on lines 6 and 8, delete "(a)" and substitute "(am)". 3 4 3. Page 3, line 10: after "district attorney" insert "or, if the complaint may 5 relate to the conduct of the district attorney, to another prosecutor under s. 978.045". **4.** Page 4, line 13: after "(2)" insert "(a),". 6 **5.** Page 4, line 13: after that line insert: 7 8 "968.26 (2) (a) Except in par. (am), in this subsection, "district attorney" includes a prosecutor to whom the judge has referred the complaint under par. (am).". 9 **6.** Page 4, line 14: delete "968.26 **(2)**". 10 7. Page 4, line 14: delete "par. (a)" and substitute "par. (am)". 11
- **8.** Page 4, line 15: after "the referral," insert "unless the judge extends that period for cause shown,".
  - **9.** Page 4, line 18: after "the matter" insert "that are in the custody of the district attorney".
  - **10.** Page 4, line 20: after "charges." insert "The judge may require a law enforcement agency to provide to him or her any investigative reports that the law enforcement agency has on the matter.".
    - **11.** Page 6, line 2: after that line insert:
- 20 "Section 7e. 978.045 (1r) (i) of the statutes is created to read:

İ	978.045 (1r) (i) A judge determines that a complaint received under s. $968.26$
2	(2) (am) relates to the conduct of the district attorney to whom the judge otherwise
3	would refer the complaint.".
1	(END)



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## State of Wisconsin 2009 - 2010 LEGISLATURE

Thurs.

LRBa0182/ CMH&RPN:kjf&cjs:pf

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1	2. The officer or employee is not convicted of a crime arising from the conduct
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