

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB78)

Received: 04/06/2009

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:

John Doe provisions

Instructions:

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>
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/1	chanaman 04/08/2009	csicilia 04/08/2009	phenry 04/07/2009	_____	cduerst 04/07/2009	cduerst 04/07/2009	
/2			phenry 04/08/2009	_____	cduerst 04/08/2009	cduerst 04/08/2009	

FE Sent For:

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State of Wisconsin
2009 - 2010 LEGISLATURE

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ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 78

bill list

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

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

4 "895.46 (9) (a) The state shall reimburse a state officer or state employee for
5 reasonable attorney fees and costs incurred by the officer or employee in connection
6 with a John Doe proceeding under s. 968.26 (2) arising from the officer's or employee's
7 conduct in the performance of official duties if the officer or employee was acting
8 within the scope of his or her employment.

9 (b) The state shall reimburse a state officer or state employee for reasonable
10 attorney fees and costs incurred by the officer or employee in defending a criminal
11 complaint issued under s. 968.26 (2) (d) arising from the officer's or employee's
12 conduct in the performance of official duties if all of the following apply:

13 1. The officer or employee was acting within the scope of his or her employment.

1 2. The officer or employee is not convicted of a crime arising from the conduct
2 that is the subject of the criminal complaint issued under s. 968.26 (2) (d).”.

3 **2.** Page 3, line 6: on lines 6 and 8, delete “(a)” and substitute “(am)”.

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”.

6 **4.** Page 4, line 13: after “(2)” insert “(a).”.

7 **5.** Page 4, line 13: after that line insert:

8 “968.26 (2) (a) Except in par. (am), in this subsection, “district attorney”
9 includes a prosecutor to whom the judge has referred the complaint under par. (am).”.

10 **6.** Page 4, line 14: delete “968.26 (2)”.

11 **7.** Page 4, line 14: delete “par. (a)” and substitute “par. (am)”.

12 **8.** Page 4, line 15: after “the referral,” insert “unless the judge extends that
13 period for cause shown.”.

14 **9.** Page 4, line 18: after “the matter” insert “that are in the custody of the
15 district attorney”.

16 **10.** Page 4, line 20: after “charges.” insert “The judge may require a law
17 enforcement agency to provide to him or her any investigative reports that the law
18 enforcement agency has on the matter.”.

19 **11.** Page 6, line 2: after that line insert:

20 “**SECTION 7e.** 978.045 (1r) (i) of the statutes is created to read:



State of Wisconsin
2009 - 2010 LEGISLATURE

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**ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 78**

2. The officer or employee is not convicted of a crime arising from the conduct that is the subject of any criminal complaint issued under s. 968.26 (2)(d).

*all of the following apply:
(9) 1.*

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