

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-- LC stuff 0421

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 04/06/2009	bkraft 04/06/2009		_____			
/1	chanaman 04/06/2009	bkraft 04/06/2009	jfrantze 04/06/2009	_____	mbarman 04/06/2009	mbarman 04/06/2009	
/2			mduchek 04/06/2009	_____	lrb_docadmin 04/08/2009	sbasford 04/08/2009	
				_____	sbasford 04/08/2009		

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FE Se nt For:

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FE Sent For:

MD
4/6
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/?	chanaman	1 bjk 4/6	jb 4/6	jb/ml 4/6			

FE Sent For:

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DD:ty

03/30/2009

ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 78

WJ

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. 978.045
3 to attend or participate in the proceeding at the judge’s discretion. The judge”.

4 **2.** Page 3, line 19: after the period insert “The judge may allow the district attorney who
5 requested the proceeding under sub. (1) or any prosecutor appointed under sub. (2) (c) to
6 examine witnesses.”.

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

8 “(d) 1. In a proceeding convened under par. (b), if the judge does not appoint a
9 prosecutor as permitted under par. (c), the judge may issue a criminal”.

10 **4.** Page 5, line 5: after that line insert:

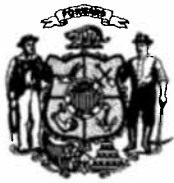
11 “2. In a proceeding convened under par. (b), if the judge appoints a prosecutor as
12 permitted under par. (c), the prosecutor may issue charges.”.

13 **5.** Page 6, line 2: after that line insert:

14 “SECTION 7m. 978.045 (1r) (j) of the statutes is created to read:

15 **978.045 (1r) (j)** To attend or participate in a John Doe proceeding as authorized under
16 s. 968.26 (2) (c).”.

17 (END)



Thurs. 4/9

Lbjk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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

*bh
SA
X-ref*

(1)(g)

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 to attend or participate in the proceeding. The extent to which the
4 prosecutor may attend or participate is within the judge's discretion. The judge".

5 **2.** Page 3, line 20: after "secret." insert "The judge may allow the district
6 attorney who requested the proceeding under sub. (1) or any prosecutor appointed
7 under sub. (2) (c) to examine witnesses.".

8 **3.** Page 5, line 1: after "(d)" insert "1."

9 **4.** Page 5, line 1: after "(b)," insert "if the judge does not appoint a prosecutor
10 as permitted under par. (c)."

11 **5.** Page 5, line 5: after that line insert:

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

3 6. Page 6, line 2: after that line insert:

4 "SECTION 7g. 978.045 (1r) (j) of the statutes is created to read:

5 978.045 (1r) (j) A judge appoints a special prosecutor under s. 968.26 (2) (c) to
6 attend or participate in a John Doe proceeding."

7 (END)

NO A district attorney forwards under s. 968.26
(2)(b) a referral to the judge



State of Wisconsin
2009 - 2010 LEGISLATURE

2
LRBa0184/1
CMH:bjk:jf

Lstays

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 (1)(j) to attend or participate in the proceeding. The extent to which the
4 prosecutor may attend or participate is within the judge’s discretion. The judge”.

5 **2.** Page 3, line 20: after “secret.” insert “The judge may allow the district
6 attorney who requested the proceeding under sub. (1) or any prosecutor appointed
7 under sub. (2) (c) to examine witnesses.”.

8 **3.** Page 5, line 1: after “(d)” insert “1.”.

9 **4.** Page 5, line 1: after “(b),” insert “if the judge does not appoint a prosecutor
10 under par. (c),”.

11 **5.** Page 5, line 5: after that line insert:

12 “2. In a proceeding convened under par. (b), if the judge appoints a prosecutor
13 under par. (c), the prosecutor may issue charges.”.

