

**2011 DRAFTING REQUEST**

**Bill**

Received: 04/20/2011

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Lena Taylor (608) 266-5810

By/Representing: Eric Peterson

May Contact:

Drafter: tkuczens

Subject: Courts - civil procedure

Addl. Drafters:

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

authority of attorneys to issue subpoenas

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**Instructions:**

See attached

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**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>
/?	tkuczens 04/20/2011	jdye 04/20/2011		_____			
/1			jfrantze 04/20/2011	_____	lparisi 04/20/2011	ggodwin 04/20/2011	

FE Sent For:

*None*

<END>

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/?	tkuczens	1 <sup>4</sup> / <sub>20</sub> jld	JL	4/1/20			

FE Sent For:

<END>

**Kuczenski, Tracy**

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**From:** Peterson, Eric  
**Sent:** Wednesday, April 20, 2011 8:40 AM  
**To:** Kuczenski, Tracy  
**Subject:** Drafting For Taylor

Please draft 2011 AB 84 in Senate form and jacket for Taylor

Thanks!

***Eric M. Peterson***

Chief of Staff -- Senator Lena C. Taylor  
*608-266-5810 o, 608-267-2353 f*



State of Wisconsin  
2011 - 2012 LEGISLATURE

1954/1



LRB-0630/1

TKK:jld:ph

RMNR Keep

2011 ASSEMBLY BILL 84

4/20/11 Today no changes

April 7, 2011 - Introduced by Representatives ZIEGELBAUER, BROOKS, D. CULLEN and ROYS, cosponsored by Senator TAYLOR. Referred to Committee on Judiciary and Ethics.

X

Regen

1 AN ACT to amend 805.07 (1); and to create 885.01 (6) of the statutes; relating  
2 to: the authority of attorneys to issue subpoenas.

**Analysis by the Legislative Reference Bureau**

Current law allows various public officials, including judges, court commissioners, arbitrators, the attorney general, district attorneys, coroners, medical examiners, boards, and chairpersons of local elected bodies, to issue a subpoena to require the attendance of a witness at a proceeding, hearing, examination, or trial. Under current law, an attorney of record in a civil action or special proceeding also has the power to issue a subpoena to require the attendance of a witness at a deposition, hearing, or trial in the civil action or special proceeding. Attorneys representing defendants in criminal matters are not listed in the statutes as having authority to issue subpoenas. Current law provides that the rules of practice in civil actions apply in criminal actions, unless otherwise specified. Current law does not, however, explicitly authorize attorneys representing criminal defendants to issue subpoenas.

This bill specifically gives attorneys representing criminal defendants the same power to issue subpoenas provided under current law to attorneys in civil actions.

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

3 SECTION 1. 805.07 (1) of the statutes is amended to read:

**ASSEMBLY BILL 84****SECTION 1**

1           805.07 (1) ISSUANCE AND SERVICE. Subpoenas shall be issued and served in  
2 accordance with ch. 885. ~~A subpoena may also be issued by any attorney of record~~  
3 ~~in a civil action or special proceeding to compel attendance of witnesses for~~  
4 ~~deposition, hearing or trial in the action or special proceeding.~~

5           **SECTION 2.** 885.01 (6) of the statutes is created to read:

6           885.01 (6) By an attorney of record in a civil action, criminal action, or special  
7 proceeding, to require the attendance of a witness for a deposition, hearing, or trial  
8 in the action or special proceeding.

9           **SECTION 3. Initial applicability.**

10           (1) This act first applies to actions or special proceedings pending on the  
11 effective date of this subsection.

12

(END)

**Godwin, Gigi**

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**From:** Peterson, Eric  
**Sent:** Wednesday, April 20, 2011 2:41 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-1954/1 Topic: authority of attorneys to issue subpoenas

RUSH

Please Jacket LRB 11-1954/1 for the SENATE.