

**2011 DRAFTING REQUEST**

**Bill**

Received: 06/29/2011

Received By: jkuesel

Wanted: As time permits

Companion to LRB:

For: Lena Taylor (608) 266-5810

By/Representing: Eric Peterson

May Contact:

Drafter: jkuesel

Subject: State Finance - claims agnst st  
Tax, Individual - income

Addl. Drafters: mshovers

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Compensation of innocent convicts

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**Instructions:**

Per AB-168.

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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>
/?	jkuesel 06/29/2011	kfollett 06/29/2011		_____			State Tax
/1			rschluet 06/29/2011	_____	ggodwin 06/29/2011	sbasford 06/29/2011	

FE Sent For:

at intro  
7-5-11

<END>

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1/1	jkuesel 6/29/11	1/1 6/29		_____			

FE Sent For:

<END>

**Kuesel, Jeffery**

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**From:** Peterson, Eric  
**Sent:** Monday, June 27, 2011 4:19 PM  
**To:** Kuesel, Jeffery  
**Subject:** 2011 AB 168

Jeffrey,

Please redraft 2011 AB 168 in a Senate companion for Senator Taylor


Thanks,  
Eric

***Eric M. Peterson***

Chief of Staff -- Senator Lena C. Taylor  
Ranking Member, Joint Committee on Finance  
*608-266-5810 o, 608-267-2353 f*



State of Wisconsin  
2011 - 2012 LEGISLATURE

-2311/1  
  
LRB-0070/1  
JTK&MES:kjf:ph

Wed 6/29

**2011 ASSEMBLY BILL 168**

June 3, 2011 - Introduced by Representatives SPANBAUER, BERCEAU, BERNIER, BIES, KESSLER, PASCH, ROYS, SPASKUNAS and YOUNG, cosponsored by Senators TAYLOR and HANSEN. Referred to Committee on Judiciary and Ethics.

Regen

1 AN ACT *to amend* 775.05 (4); and *to create* 71.05 (6) (b) 48. and 775.05 (4m) of  
2 the statutes; **relating to:** resolution of claims against the state for wrongful  
3 imprisonment of innocent persons and exempting from taxation certain  
4 amounts an individual receives from the claims board or legislature.

***Analysis by the Legislative Reference Bureau***

Currently, the claims board is directed to hear petitions for compensation by persons who are released from imprisonment for crimes of which they claim to be innocent. If the board finds that the petitioner was innocent and that he or she did not by his or her own act or failure to act contribute to or bring about the conviction and imprisonment for which he or she seeks compensation, the board must award the petitioner compensation not to exceed \$25,000 total nor more than \$5,000 for each year of imprisonment. Any award is paid from state general purpose revenues. If the board determines that it is not able to award an adequate compensation, it is directed to submit a report to the legislature specifying the amount that it considers to be adequate.

This bill increases the limit on the amount of compensation to a rate of \$15,000 per year and eliminates the limit on the total amount of an award. Under the bill, the \$15,000 limit is subject to an annual adjustment based upon changes in the cost of living.

The bill also exempts from taxation the payments that an individual, or his or her estate, receives from the claims board, or from the state legislature as a result of claims board action.

**ASSEMBLY BILL 168**

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

✓  
1           **SECTION 1.** 71.05 (6) (b) 48. of the statutes is created to read:

2           71.05 **(6)** (b) 48. Any amount received by an individual, or the individual's  
3           estate, from the claims board under s. 775.05 (4) or from the legislature under the  
4           process described in s. 775.05 (4), in the taxable year that relates to the year in which  
5           the payment is received.

✓  
6           **SECTION 2.** 775.05 (4) of the statutes is amended to read:

7           775.05 **(4)** If the claims board finds that the petitioner was innocent and that  
8           he or she did not by his or her act or failure to act contribute to bring about the  
9           conviction and imprisonment for which he or she seeks compensation, the claims  
10          board shall find the amount which will equitably compensate the petitioner, ~~not to~~  
11          ~~exceed \$25,000 and~~ at a rate of compensation not greater than ~~\$5,000~~ \$15,000 per  
12          year for the imprisonment, or the amount determined under sub. (4m), whichever  
13          applies. Compensation awarded by the claims board shall include any amount to  
14          which the board finds the petitioner is entitled for attorney fees, costs and  
15          disbursements. If the claims board finds that the amount it is able to award is not  
16          an adequate compensation it shall submit a report specifying an amount which it  
17          considers adequate to the chief clerk of each house of the legislature, for distribution  
18          to the legislature under s. 13.172 (2).

✓  
19          **SECTION 3.** 775.05 (4m) of the statutes is created to read:



**Kuesel, Jeffery**

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**From:** Laundrie, Julie  
**Sent:** Tuesday, June 28, 2011 9:42 AM  
**To:** Kuesel, Jeffery  
**Subject:** RE: Scope of campaign finance regulation - 09 LRBs0269/1

Jeff,

Can Senator Erpenbach please have this drafted as a senate bill for this session?

Thanks

Julie Laundrie  
Office of Senator Jon Erpenbach  
608-266-6670 106 South  
media contact cell 608-772-0110

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**From:** Kuesel, Jeffery  
**Sent:** Wednesday, June 15, 2011 1:57 PM  
**To:** Laundrie, Julie  
**Subject:** Scope of campaign finance regulation - 09 LRBs0269/1

Julie,  
I received your voice mail and found the draft. It does look like our most recent effort and it postdates the *Citizens United* decision. I'll take care of it for you.

***Jeffery T. Kuesel***  
**Wisconsin Legislative Reference Bureau**  
**P.O. Box 2037**  
**Madison, WI 53701-2037**  
**(608) 266-6778**  
**Jeffery.Kuesel@legis.wisconsin.gov**