

2013 DRAFTING REQUEST

Bill

Received: 1/9/2013 Received By: chanaman
 Wanted: As time permits Same as LRB:
 For: Lena Taylor (608) 266-5810 By/Representing: Eric Peterson
 May Contact: Drafter: chanaman
 Subject: Justice - criminal Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Sen.Taylor@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Independent pardon commission

Instructions:

See attached

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 1/19/2013	evinz 2/2/2013	phenry 2/3/2013	_____			
/1				_____	sbasford 2/3/2013	srose 2/19/2013	

FE Sent For:

<END>

Not Needed

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1/?	chanaman	1 eev 2/2/13	2/3 ph	✓			
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FE Sent For:

<END>

Hanaman, Cathlene

From: Peterson, Eric
Sent: Wednesday, January 09, 2013 12:09 PM
To: Hanaman, Cathlene; Hurley, Peggy
Subject: Drafting for Sen. Taylor

301.03(1)

dr.
304

Cathlene & Peggy:

Not sure who this goes to, so as my favorite criminal justice folks, I am sending it to you.

Independent Pardon Commission

Background

Constitutionally, the Governor maintains the exclusive right to pardon or not. However, the Legislature, by law, may regulate the process for application and recommendation to the Governor. This bill will create an independent pardon commission of judges which shall receive, process, and make a recommendation for or against pardon to the Governor. Citizens seeking pardon deserve to have applications processed so that the Governor receives informed recommendations before deciding on pardon. This would not restrict the Governor's power to pardon or not.

Bill

1. Create the Independent Pardon Commission
 - Members are 9 reserve judges appointed by the Governor, with Senate Confirmation
 - Commission to meet at least quarterly
 - Members elect chair from within their own at the first meeting in an odd number year
2. All applications for pardon will be delivered to the commission
3. Every application shall be considered by the commission and receive a recommendation for pardon or against.
4. Three member panels of commission members may hear testimony on each application and shall make a final recommendation, which shall be the recommendation of the commission
5. Upon recommendation of the commission being reached, the recommendation shall be transmitted to the legislature for recording the journals and to the Governor for consideration of the recommendation.
6. The commission, by rule, may establish its own procedures for consideration of applications, not specifically enumerated or prohibited in statute or judicial code.

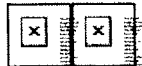
7. Funding for the commission shall be established in the appropriation for the Executive office.

Eric M. Peterson

Chief of Staff -- Senator Lena C. Taylor

4th District – Milwaukee, Shorewood, Glendale, Wauwatosa
608-266-5810 o, 608-282-3544 f

www.senatortaylor.com





eev

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAV
xref N/A

put

senat

1 **AN ACT** ...; **relating to:** creation of an independent pardon council.

Analysis by the Legislative Reference Bureau



Under current law, the governor considers all applications for pardon of any person, and the Department of Corrections must, upon the governor's request, make recommendations to the governor as to pardons. This bill creates an independent pardon council, consisting of nine reserve judges appointed by the governor and confirmed by the senate. The independent pardon council must consider each application for a pardon and make recommendations to the legislature and to the governor.

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

2 **SECTION 1.** 304.09 (2) (am) of the statutes is created to read:

3 304.09 (2) (am) The independent pardon council under s. 304.105.

4 **SECTION 2.** 304.105 of the statutes is created to read:

5 **304.105 Independent pardon council.** (1) There is created an independent
6 pardon council consisting of 9 permanent reserve judges, as defined in s. 753.075 (1) (a),
7 appointed by the governor, with senate confirmation. At its first meeting in each

1 odd-numbered year the council shall elect a chairperson from among its members.

2 The council shall meet at least quarterly.

3 (2) The independent pardon council shall consider each application for a
4 pardon. Three-member panels of the council members shall, using procedures the
5 council establishes, hear testimony and make a recommendation for or against
6 pardon on each application. The recommendation of the panel is the
7 recommendation of the council. The council shall report its recommendations to the
8 legislature and to the governor.

9 (3) Members of the independent pardon council may not be compensated for
10 their services, but the members shall be reimbursed from the appropriation account
11 under s. 20.5²5 (1) (a) for their actual and necessary expenses incurred in the
12 performance of their duties.

13 (4) Section 15.0⁹ does not apply to the independent pardon council.

14 (END)

Parisi, Lori

From: Peterson, Eric
Sent: Tuesday, February 19, 2013 1:46 PM
To: LRB.Legal
Subject: Draft Review: LRB -1082/1 Topic: Independent pardon commission

Please Jacket LRB -1082/1 for the SENATE.