

2015 DRAFTING REQUEST

Bill

Received: **10/6/2014** Received By: **phurley**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget** By/Representing: **Ley**
May Contact: Drafter: **phurley**
Subject: **Criminal Law - district attys** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to: **sbostatlanguage@webapps.wi.gov**

Pre Topic:

DOA:.....Ley, BB0132 -

Topic:

Increase number of deputy district attorneys

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>
/P1	phurley 10/6/2014	csicilia 10/8/2014	jfrantze 10/8/2014	_____	lparisi 10/8/2014		State

FE Sent For:

<END>

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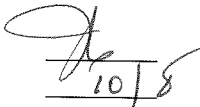
Increase number of deputy district attorneys

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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/P1 phurley /P1 10/6/14 gs /P1 10/8/14 cjs  10/8

FE Sent For:

<END>

Hurley, Peggy

From: Hanaman, Cathlene
Sent: Friday, October 03, 2014 11:53 AM
To: Hurley, Peggy; Hanaman, Cathlene
Subject: FW: Statutory Language Drafting Request - BB0132

From: Emily.Ley@wisconsin.gov [mailto:Emily.Ley@wisconsin.gov]
Sent: Friday, October 03, 2014 11:51 AM
To: Hanaman, Cathlene
Cc: Frederick, Caitlin - DOA; Ley, Emily A - DOA; Connor, Christopher B - DOA
Subject: Statutory Language Drafting Request - BB0132

Biennial Budget: 2015-17

DOA Tracking Code: BB0132

Topic: Increase Number of Deputy District Attorneys

SBO Team: AEJ

SBO Analyst: Ley, Emily - DOA
Phone: 608-266-2213
E-mail: Emily.Ley@wisconsin.gov

Agency Acronym: DA

Agency Number: 475

Priority: Medium

Intent:

Increase the number of Deputy District Attorneys permitted in counties with populations of 500,000 or more from 5 to 7 (please note this is intended to impact Dane and MKE Counties, so the 750,000 = MKE county is not the intent at the present time)

Attachments: False

Please send completed drafts to SBOSatlanguage@webapps.wi.gov

978.03 Deputies and assistants in certain prosecutorial units.

(1) The district attorney of any prosecutorial unit having a population of 500,000 or more may appoint 5 deputy district attorneys and such assistant district attorneys as may be requested by the department of administration and authorized in accordance with s. 16.505. The district attorney shall rank the deputy district attorneys for purposes of carrying out duties under this section. The deputies, according to rank, may perform any duty of the district attorney, under the district attorney's direction. In the absence or disability of the district attorney, the deputies, according to rank, may perform any act required by law to be performed by the district attorney. Any such deputy must have practiced law in this state for at least 2 years prior to appointment under this section.

(1m) The district attorney of any prosecutorial unit having a population of 200,000 or more but not more than 499,999 may appoint 3 deputy district attorneys and such assistant district attorneys as may be requested by the department of administration and authorized in accordance with s. 16.505. The district attorney shall rank the deputy district attorneys for purposes of carrying out duties under this section. The deputies, according to rank, may perform any duty of the district attorney, under the district attorney's direction. In the absence or disability of the district attorney, the deputies, according to rank, may perform any act required by law to be performed by the district attorney. Any such deputy must have practiced law in this state for at least 2 years prior to appointment under this section.

(2) The district attorney of any prosecutorial unit having a population of 100,000 or more but not more than 199,999 may appoint one deputy district attorney and such assistant district attorneys as may be requested by the department of administration and authorized in accordance with s. 16.505. The deputy may perform any duty of the district attorney, under the district attorney's direction. In the absence or disability of the district attorney, the deputy may perform any act required by law to be performed by the district attorney. The deputy must have practiced law in this state for at least 2 years prior to appointment under this section.

(3) Any assistant district attorney under sub. (1), (1m), or (2) must be an attorney admitted to practice law in this state and, except as provided in s. 978.043 (1), may perform any duty required by law to be performed by the district attorney. The district attorney of the prosecutorial unit under sub. (1), (1m), or (2) may appoint such temporary counsel as may be authorized by the department of administration.

History: 1989 a. 31; 1991 a. 39; 1999 a. 9; 2001 a. 16; 2005 a. 25, 434.



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0373/P1

PJH:.....

93

DOA:.....Ley, BB0132 – Increase number of deputy district attorneys

FOR 2015-2017 BUDGET – NOT READY FOR INTRODUCTION

SN
x-2014

10-6-14
do NOT gen

pt

1 **AN ACT ...; relating to: the budget** ○

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE ✓

DISTRICT ATTORNEYS ✓

Under current law, the district attorney for a county that has a population of 500,000 or more may appoint five deputy district attorneys, and as many assistant district attorneys as requested by DOA.

This bill increases, from five to seven, the number of deputy district attorneys that the district attorney for a county that has a population of 500,000 or more may appoint.

FE-SB119

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

2 **SECTION 1.** 978.03 (1) of the statutes is amended to read:

3 978.03 (1) The district attorney of any prosecutorial unit having a population
4 of 500,000 or more may appoint ~~5~~ 7 deputy district attorneys and such assistant
5 district attorneys as may be requested by the department of administration and

1 authorized in accordance with s. 16.505. The district attorney shall rank the deputy
2 district attorneys for purposes of carrying out duties under this section. The
3 deputies, according to rank, may perform any duty of the district attorney, under the
4 district attorney's direction. In the absence or disability of the district attorney, the
5 deputies, according to rank, may perform any act required by law to be performed
6 by the district attorney. Any such deputy must have practiced law in this state for
7 at least 2 years prior to appointment under this section.

8 **History:** 1989 a. 31; 1991 a. 39; 1999 a. 9; 2001 a. 16; 2005 a. 25, 434.

(END)



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0373/P1
PJH:cjs:jf

DOA:.....Ley, BB0132 – Increase number of deputy district attorneys

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

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DISTRICT ATTORNEYS

Under current law, the district attorney for a county that has a population of 500,000 or more may appoint five deputy district attorneys, and as many assistant district attorneys as requested by DOA.

This bill increases, from five to seven, the number of deputy district attorneys that the district attorney for a county that has a population of 500,000 or more may appoint.

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

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6 deputies, according to rank, may perform any act required by law to be performed
7 by the district attorney. Any such deputy must have practiced law in this state for
8 at least 2 years prior to appointment under this section.

9 (END)