2019 SENATE BILL 509


AN ACT to amend 16.003 (2), 978.03 (1m), 978.03 (3), 978.12 (1) (a) 1. a. and 978.12 (1) (a) 1. b.; and to create 978.03 (1g) of the statutes; relating to: allocation and payment of district attorneys.

Analysis by the Legislative Reference Bureau

Under current law, a prosecutorial unit with a population of 750,000 or more may appoint seven deputy district attorneys, and a prosecutorial unit with a population of 200,000 to 749,999 may appoint three deputy district attorneys. Under the bill, a new category is created such that a prosecutorial unit with a population of 400,000 to 749,999 may appoint five deputy district attorneys and a prosecutorial unit with a population of 200,000 to 399,999 may appoint three deputy district attorneys.

Also under current law, a district attorney’s salary is determined by the population of the prosecutorial unit. Under current law, there is a category for a prosecutorial unit with a population of 250,000 to 750,000, and the next category is for a prosecutorial unit with a population of more than 750,000. Under the bill, the population cutoff point between those categories is changed from 750,000 to 400,000.

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

SECTION 1. 16.003 (2) of the statutes is amended to read:
16.003 (2) STAFF. Except as provided in ss. 16.548, 978.03 (1), (1g), (1m), and (2), 978.04, and 978.05 (8) (b), the secretary shall appoint the staff necessary for performing the duties of the department. All staff shall be appointed under the classified service except as otherwise provided by law.

SECTION 2. 978.03 (1g) of the statutes is created to read:

978.03 (1g) The district attorney of any prosecutorial unit having a population of 400,000 or more but not more than 749,999 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.

SECTION 3. 978.03 (1m) of the statutes is amended to read:

978.03 (1m) The district attorney of any prosecutorial unit having a population of 200,000 or more but not more than 399,999 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.

**Section 4.** 978.03 (3) of the statutes is amended to read:

978.03 (3) Any assistant district attorney under sub. (1), (1g), (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), (1g), (1m), or (2) may appoint such temporary counsel as may be authorized by the department of administration.

**Section 5.** 978.12 (1) (a) 1. a. of the statutes is amended to read:

978.12 (1) (a) 1. a. Prosecutorial units having a population of more than 750,000.

**Section 6.** 978.12 (1) (a) 1. b. of the statutes is amended to read:

978.12 (1) (a) 1. b. Prosecutorial units having a population of more than 250,000 but not more than 750,000.