

No. 580, A.

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CHAPTER 389

AN ACT to amend 59.49 of the statutes, relating to the restrictions on outside work of the district attorney.

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

59.49 of the statutes is amended to read:

59.49 No district attorney shall receive any fee or reward from or on behalf of any prosecutor or other individual for services in any prosecution or business to which it * * * is his official duty to attend; nor be concerned as attorney or counsel for either party, other than for the state or county, in any civil action depending upon the same state of facts upon which any criminal prosecution commenced but undetermined * * * depends; nor shall any district attorney while in office be eligible to or hold any judicial office whatever, * * * except as follows: Any district attorney of any county having a population of 40,000 or less may also be the family court commissioner for such county; however, if said offices are so held by the same person pursuant to this authorization such person shall be disqualified from acting as district attorney in any action or proceeding involving the same subject matter, in whole or in part, of any action or proceeding in which such person has theretofore acted as family court commissioner and a special prosecutor in relation to any such matter shall thereupon be appointed pursuant to s. 59.44 (1); and such person shall likewise be disqualified from acting as family court commissioner in any action or proceeding involving the same subject matter, in whole or in part, of any action or proceeding in which such person has theretofore acted as district attorney, and a temporary assistant family court commissioner shall thereupon be ap-

*pointed pursuant to s. 247.13 (4), or another attorney shall be appointed to perform the duties of family court commissioner pursuant to s. 247.16 in relation to any such matter. No person who * * * acted as district attorney, assistant district attorney, or special district attorney at the time of the arrest, examination, or indictment of any person charged with crime, and who was at such time such official of the county where the crime charged was committed, shall thereafter appear for, or defend such person against the crime charged in such complaint, information or indictment.*

Approved October 9, 1963.
