

Assembly Bill 498

Published
July 16, 1966.

Chapter 603

AN ACT to amend 270.58 (1) of the statutes, relating to payment by state and political subdivisions of judgments against officers thereof.

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

270.58 (1) of the statutes is amended to read:

270.58 (1) Where the defendant in any action, writ or special proceeding is a public officer or employe and is proceeded against in his official capacity or is proceeded against as an individual because of acts committed while carrying out his duties as an officer or employe and the jury or the court finds that he acted in good faith the judgment as to damages and costs entered against the officer or employe shall be paid by the state or political subdivision of which he is an officer or employe. Reasonable attorney's fees shall also be paid by the political subdivision in false arrest cases where such governmental unit does not provide legal counsel to the defendant officer. Regardless of the results of the litigation the governmental unit shall pay reasonable attorney's fees and costs of defending the action, unless it is found by the court or jury that the defendant officer or employe did not act in good faith, when it does not provide legal counsel to the defendant officer or employe. Deputy sheriffs in those counties where they serve not at the will of the sheriff but on civil service basis shall be covered by this subsection, except that the provision relating to payment of the judgment shall be discretionary and not mandatory. In such counties the judgment as to damages and costs may be paid by the county if approved by the county board.

Approved June 27, 1966.