

1977 Assembly Bill 572

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CHAPTER 65, Laws of 1977

AN ACT to amend 21.13 of the statutes, relating to payment of legal fees for defense of national guard members prosecuted for acts committed while in performance of military duties.

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

SECTION 1. 21.13 of the statutes is amended to read:

21.13 Defense of members of guard; payment of judgments. If any member of the national guard or the state guard is prosecuted by any civil or criminal action for any act performed by ~~such the~~ member while in the performance of ~~his~~ military duty and in pursuance thereof, the action against ~~such the~~ member ~~may, in the discretion of the governor, shall~~ be defended by counsel appointed therefor by the governor upon the recommendation of the ~~attorney general~~ adjutant general. The adjutant general shall make such recommendation whenever the act performed by the member was in the line of duty. The costs and expenses of any such defense shall be audited by the department of administration and paid out of the state treasury and charged to the ~~special counsel~~ appropriation in under s. 20.455 (2) (b) and if the jury or court finds that the member of the national guard against whom the action is brought acted in good faith the judgment as to damages entered against ~~him~~ the member shall also be paid by the state.
