

1991 Senate Bill 519

Date of enactment: **April 14, 1992**
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1991 WISCONSIN ACT 188

AN ACT *to renumber* 978.001 (1); and *to create* 978.001 (1g) and 978.045 (3) of the statutes, **relating to:** public service special prosecutors.

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

SECTION 1. 978.001 (1) of the statutes is renumbered 978.001 (1p).

SECTION 2. 978.001 (1g) of the statutes is created to read:

978.001 (1g) “Law firm” means a private firm of attorneys, the legal department of a governmental unit or agency, a corporation or another organization or a legal services organization.

SECTION 3. 978.045 (3) of the statutes is created to read:

978.045 (3) (a) If an attorney is available and willing to serve as a special prosecutor without state compensation, the district attorney may appoint the attorney as a public service special prosecutor to serve at the pleasure of the district attorney. The public service special prosecutor may perform the duties and has the powers of the district attorney while acting under such an appointment, but is not subject to the appointment procedure under subs. (1g) and (1r) or to the compensation under sub. (2). A full-time public service special prosecutor may not engage in a private practice of law while serving under this paragraph. A part-time public service special prosecutor may engage in a private practice of law while serving under this paragraph.

(b) A law firm or other employer employing an attorney who is appointed as a public service special prosecutor may continue to pay, for a period of not more than 4 months, the salary and fringe benefits of the attorney while he or she serves under par. (a). If the public service special prosecutor receives any such payments, the prosecutor’s law firm and the prosecutor are subject to the following restrictions:

1. The law firm may not participate in any of the cases in which the public service special prosecutor participates.

2. The public service special prosecutor may not consult with any attorney in or employe of the law firm about any criminal case in which the public service special prosecutor participates except as necessary to ensure compliance with this subsection.

(c) An attorney serving as a public service special prosecutor under par. (a) is considered to be a public employe for purposes of s. 895.46. A law firm or employer described under par. (b) is not liable for any acts or omissions of a public service special prosecutor while acting in his or her official capacity or performing duties or exercising powers under par. (a).

SECTION 4. Initial applicability. This act first applies to appointments made on the effective date of this SECTION.