



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa2066/2
JEO;jlg:hmh

**ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 721**

March 28, 2000 – Offered by JOINT COMMITTEE ON FINANCE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: delete that line and substitute:

3 “SECTION 1g. 978.042 of the statutes is created to read:

4 **978.042 Prosecutor caseload measurement; redistribution of assistant**
5 **district attorney positions.** (1) The department of administration shall develop
6 a weighted prosecutor caseload measurement formula to assist in determining the
7 comparative need for prosecutors in this state. The formula shall be based on the
8 types of cases prosecuted by district attorneys’ offices and the time needed to
9 prosecute those cases, as applied to the average number of cases filed by a
10 prosecutorial unit during the most recent 3–year period for which data is available
11 and to the number of prosecutor positions allocated to the prosecutorial unit. The
12 department may consult with the Wisconsin District Attorneys’ Association in
13 developing the formula.

1 **(2)** (a) If a vacancy occurs in an authorized assistant district attorney position
2 or a portion of such a position and the position is allocated to a prosecutorial unit that
3 has a prosecutor workload of less than 100% of the standard full-time workload,
4 according to the weighted prosecutor caseload measurement formula developed
5 under sub. (1), the department of administration shall notify the Wisconsin District
6 Attorneys' Association of the vacancy.

7 (b) After receiving notice of a vacancy under par. (a), the Wisconsin District
8 Attorneys' Association shall make a recommendation to the department of
9 administration as to whether the vacancy or any portion of the vacancy should be
10 transferred to a prosecutorial unit that has a prosecutor workload of more than 100%
11 of the standard full-time workload, according to the weighted prosecutor caseload
12 measurement formula developed under sub. (1), and that requested additional
13 assistant district attorney position authorization for the fiscal biennium in which the
14 vacancy occurs.

15 (c) After receiving the recommendation of the Wisconsin District Attorneys'
16 Association prepared under par. (b), the department of administration shall decide,
17 subject to par. (d), whether to transfer the vacancy or any portion of the vacancy to
18 a prosecutorial unit that has a prosecutor workload of more than 100% of the
19 standard full-time workload, according to the weighted prosecutor caseload
20 measurement formula developed under sub. (1), and that requested additional
21 assistant district attorney position authorization for the fiscal biennium in which the
22 vacancy occurs. The department of administration shall consider the
23 recommendation of the Wisconsin District Attorneys' Association in making its
24 decision under this paragraph. If the department of administration decides under
25 this paragraph to transfer a vacancy or portion of a vacancy from one prosecutorial

1 unit to another, the department shall, notwithstanding ss. 978.03 and 978.04,
2 transfer the position or portion of the position.

3 (d) The department of administration may not transfer a position or a portion
4 of a position under this subsection if the transfer from the prosecutorial unit that has
5 a prosecutor workload of less than 100% of the standard full-time workload,
6 according to the weighted prosecutor caseload measurement formula developed
7 under sub. (1), would result in the prosecutorial unit having a prosecutor workload
8 of more than 100% of the standard full-time workload, according to the weighted
9 prosecutor caseload measurement formula developed under sub. (1).

10 **SECTION 1r. Appropriation changes.”.**

11 (END)