



**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 ASSEMBLY BILL 695**

February 26, 2008 - Offered by Representatives KESSLER, GRIGSBY, A. WILLIAMS,
YOUNG, GRONEMUS, SMITH and FIELDS.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 4: delete "(a)".

3 **2.** Page 2, line 6: delete the material beginning with "(a)" and ending with
4 "972.085" on page 3, line 11, and substitute "If a A person complains to a judge that
5 ~~he or she~~ who is not a district attorney who has reason to believe that a crime has
6 been committed within his or her jurisdiction, the judge shall examine the
7 complainant under oath and any witnesses produced by him or her and may, and at
8 the request of the district attorney shall, subpoena and examine other witnesses to
9 ascertain whether a crime has been committed and by whom committed may
10 complain only to the director of state courts, who shall, upon receipt of the complaint,
11 ask the chief justice to appoint a temporary reserve judge, as defined in s. 753.075

1 (1) (b), to determine if the complaint has merit, and if the complaint has merit, the
2 temporary reserve judge shall request the district attorney to file a complaint.

3 (1) (b) The extent to which the judge may proceed in the examination under par.
4 (a) is within the judge’s discretion. The examination may be adjourned and may be
5 secret. Any witness examined under this section may have counsel present at the
6 examination but the counsel shall not be allowed to examine his or her client,
7 cross-examine other witnesses or argue before the judge. If it appears probable from
8 the testimony given that a crime has been committed and who committed it, the
9 complaint may be reduced to writing and signed and verified; and thereupon a
10 warrant shall issue for the arrest of the accused. Subject to s. 971.23, if the
11 proceeding is secret, the record of the proceeding and the testimony taken shall not
12 be open to inspection by anyone except the district attorney unless it is used by the
13 prosecution at the preliminary hearing or the trial of the accused and then only to
14 the extent that it is so used. A court, on the motion of a district attorney, may compel
15 a person to testify or produce evidence under s. 972.08 (1). The person is immune
16 from prosecution as provided in s. 972.08 (1), subject to the restrictions under s.
17 972.085.”.

18 **3.** Page 3, line 12: after “(1)” insert “(a)”.

19 **4.** Page 3, line 13: after “(1)” insert “(a)”.

20 **5.** Page 3, line 15: delete “sub. (3)” and substitute “par. (b)”.

21 **6.** Page 3, line 17: delete the material beginning with that line and ending on
22 page 4, line 5.

23 (END)