



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Senate Bill 119

**Assembly
Amendment 1**

Memo published: March 8, 2004

Contact: Don Dyke, Chief of Legal Services (266-0)

Current law authorizes, but does not require, a city, town, village, school district, technical college district, or county to pay reasonable expenses incurred by an officer of the governmental unit when an action is brought or charge filed against the officer in his or her official capacity and the charge or action is discontinued or dismissed, the matter is determined favorably to the officer, or the officer is reinstated. Section 895.35, Stats. (In connection with civil actions, it appears this provision applies to actions not involving the recovery of money damages; s. 895.46 appears to cover those actions.)

Senate Bill 119 requires the governmental unit to pay reasonable expenses incurred in connection with a charge filed or an action brought against an officer in the officer's official capacity when those expenses are incurred by emergency medical services personnel, a fire fighter, or a law enforcement or correctional officer. The mandatory payment does not apply if the person resigns before the expenses are incurred or the person's employment is terminated for cause.

Under *Assembly Amendment 1* payment of expenses is not mandatory, if, in relation to the charge or action resulting in the expenses: (1) the person is convicted of a crime; (2) the person's employment is terminated for cause; (3) the person resigns for reasons other than retirement before the expenses are incurred; (4) the person is demoted or reduced in rank; or (5) the person is suspended without for pay for 10 or more working days.

Legislative History

Assembly Amendment 1 was introduced by Representative Gottlieb. The Assembly Committee on Urban and Local Affairs recommended adoption of the amendment by a vote of Ayes, 8; Noes, 0.

DD:tlu:ksm