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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2025 Senate Bill 76**

**Senate Amendments 1 and 2**

### BACKGROUND

Current law generally vests district attorneys with discretion on whether to charge a person with a crime and which crimes to charge. However, once a prosecution has been commenced, the charge may be subject to both court oversight and any legislative enactments that define the limits of the prosecutor’s discretion after a prosecution is initiated. [See, e.g., ss. 967.055 and 971.29, Stats.]

### 2025 SENATE BILL 76

2025 Senate Bill 76 addresses the prosecution of “covered crimes,” defined as specific types of violations, including certain acts of domestic abuse, certain crimes against children or elders, and certain crimes involving firearms or vehicles.<sup>1</sup>

Under the bill, if an individual is charged with a “covered crime,” a prosecutor may only dismiss or amend the charge after applying to the court and receiving court approval for the dismissal or amendment. The court may approve the application only if it finds that the proposed amendment or dismissal is consistent with the public’s interest in deterring the commission of covered crimes and is consistent with the legislative intent specified in the bill. If a court approves at least one application in a year, the court must submit to the appropriate legislative standing committees an annual report detailing each approved application that year and how it is consistent with the public’s interest and the Legislature’s intent. The bill also requires each district attorney’s office to adopt and implement a written policy indicating how the office may best execute the intent specified in the bill.

In addition, the bill prohibits the use of deferred prosecution agreements when an individual is alleged to have committed, or is charged with, one of the covered crimes and further repeals a statute governing deferred prosecution programs for certain crimes involving domestic and sexual abuse.

### SENATE AMENDMENT 1

Senate Amendment 1 deletes the bill’s provisions affecting certain appropriations in ch. 20, Stats. The deleted provisions would have otherwise removed cross-references to the statute that the bill repeals.

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<sup>1</sup> Specifically, a “covered crime” is any of the following: (a) an act of domestic abuse that constitutes the commission of a crime or a violation of a domestic abuse temporary restraining order or injunction; (b) operating a vehicle without the owner’s consent; (c) physical abuse of an elder person or abuse of an individual at risk, or a violation of an individual-at-risk temporary restraining order or injunction; (d) first-, second-, or third-degree sexual assault; (e) any crime in ch. 948, Stats., *Crimes Against Children*; (f) illegal possession of a firearm, if the individual has been convicted of, adjudicated delinquent for, or found not guilty by reason of mental disease or defect of, committing, soliciting, conspiring, or attempting to commit a violent felony; or (g) reckless driving causing great bodily harm to another.

## **SENATE AMENDMENT 2**

Senate Amendment 2 clarifies that the bill's requirement that a court submit a report to the appropriate legislative standing committees applies when, during the course of a year, the court approves at least one application to dismiss or amend a charge of a covered crime.

## **BILL HISTORY**

Senator Hutton offered Senate Amendment 1 on March 10, 2025, and Senators Hutton and Wimberger offered Senate Amendment 2 on April 11, 2025. On April 15, 2025, the Senate Committee on Judiciary and Public Safety recommended adoption of Senate Amendments 1 and 2 on votes of Ayes, 5; Noes, 3; and recommended passage of Senate Bill 76, as amended, on votes of Ayes, 5; Noes, 3.

For a full history of the bill, visit the Legislature's [bill history page](#).

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