

GOVERNOR'S VETO MESSAGE

December 6, 2023

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 57** in its entirety.

This bill would require that prosecutors get judicial approval prior to dismissing or amending charges for certain covered crimes, which would be defined by the bill. Under the bill, the court may only approve the prosecutor's application to dismiss or amend a charge involving a covered crime if it finds certain criteria are met. Annually, if a court approves such an application, it must submit a report to the Legislature detailing each application and how the approval is consistent with the criteria. This bill would also prohibit a prosecutor from placing a person in a deferred prosecution program if there is a complaint or information filed that alleges that they committed a covered crime or if the person is charged with a covered crime.

I have heard from victim witness professionals, district attorneys, and the defense bar about the negative ramifications of this bill and I am vetoing it for several reasons. First, I am vetoing this bill in its entirety because I object to restricting the discretion of prosecutors and judges to address pending charges and, further, subjecting prosecutorial discretion to judicial review. As the U.S. Supreme Court has observed, the concept of prosecutorial discretion rests on the recognition that the strength of the case, deterrence, enforcement priorities, and the allocation of finite resources, among others, are factors rendering prosecutorial decisions ill-suited for judicial review.

I am also vetoing this bill because I object to restricting the availability of evidence-based deferred prosecution agreements that have been shown to have better outcomes and be more cost-effective than traditional incarceration. Further, I am equally concerned about the implications this legislation would have on crime victims and survivors across our state. By way of example, as was pointed out to me by several District Attorneys in requesting I veto this bill, prohibiting deferred prosecution agreements in certain sexual assault cases "would result in prosecutor becoming much more selective on charging sexual assault cases, and thus more victims of serious crimes receiving no level of justice." Similarly, the Wisconsin Victim Witness Professionals also identified restricting the availability of deferred prosecution agreements as having a "negative impact" on "crime victims and communities we serve."

For these reasons, I must veto this bill. I welcome the Legislature to seriously and meaningfully consider

supporting evidence-based solutions that respect and protect victims and survivors, reduce recidivism and improve community safety, bolster our justice system workforce, and ensure our communities have the resources they need to invest in public safety services across our state.

Respectfully submitted,
TONY EVERS
Governor