

CHAPTER 562

AN ACT to repeal and recreate 59.21 (8) (b) of the statutes, relating to suspension, demotion or dismissal of deputy sheriffs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

59.21 (8) (b) of the statutes is repealed and recreated to read:

59.21 (8) (b) 1. The persons appointed shall hold the office of deputy sheriff on good behavior. In any county operating under this subsection, but not under s. 59.07 (20), whenever the sheriff believes that a deputy has acted so as to show him to be incompetent to perform his duties or to have merited suspension, demotion or dismissal he shall report in writing to the grievance committee setting forth specifically his complaint, and may suspend or demote the officer at the time such complaint is filed. The grievance committee shall be appointed in the same manner and at the same time as standing committees of the county board of supervisors are appointed. The committee may be made up of members of the county board or other electors of the county, or both. Such members shall be paid in the same manner as members of other county board committees.

2. The grievance committee shall forthwith notify the accused officer of the filing of the charges and on request furnish him with a copy of the same.

3. The grievance committee shall, if the officer requests a hearing, appoint a time and place for the hearing of the charges, the time to be within 3 weeks after the filing of same, and notify the sheriff and the accused of the time and place of such hearing. The committee is authorized to take testimony at the hearing, and any testimony taken shall be transcribed. The chairman of the committee shall issue subpoenas for the attendance of such witnesses as may be requested by the accused. Subpoenas shall be served in the same manner as in justice court.

4. At such hearing the chairman of the committee shall possess authority to maintain order and enforce obedience to his lawful requirements and if any person at the hearing shall conduct himself in a disorderly manner, and after notice from the chairman shall persist therein, the chairman may order him to withdraw from the hearing, and on his refusal may order the sheriff or other person, to take him into custody until the hearing is adjourned for that day.

5. At the termination of the hearing the grievance committee shall determine in writing whether or not the charge is well founded and shall take such action by way of suspension, demotion, discharge or reinstatement as it may deem requisite and proper under the circumstances and file the same with the secretary of the committee.

6. The accused may appeal from the order to the circuit court by serving written notice thereof on the secretary of the committee within 10 days after the order is filed. Within 5 days thereafter the board shall certify to the clerk of the circuit court the record of the proceedings, including all documents, testimony and minutes. The action shall then be at issue and shall have precedence over any other cause of a different nature pending in the court, which shall always be open to the trial thereof. The court shall upon application of the accused or of the board fix a date of trial, which shall not be later than 15 days after such application except by agreement. The trial shall be by the court and upon the return of the board, except that the court may require further return or the taking and

return of further evidence by the board. The question to be determined by the court shall be: Upon the evidence was the order of the board reasonable? No costs shall be allowed either party and the clerk's fees shall be paid by the county. If the order of the committee is reversed, the accused shall be forthwith reinstated and entitled to his pay as though in continuous service. If the order of the committee is sustained it shall be final and conclusive.

Approved August 8, 1957.
