

No. 292, A.]

[Published June 8, 1961.

CHAPTER 109

AN ACT to create 955.22 of the statutes, relating to disposition of intrastate detainees.

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

955.22 of the statutes is created to read:

955.22 PROMPT DISPOSITION OF INTRASTATE DETAINERS.

(1) REQUEST BY WARDEN OR SUPERINTENDENT. Whenever the warden or superintendent receives notice of an untried criminal case pending in this state against an inmate of a state prison, he shall, at the request of the inmate, send by certified mail a written request to the district attorney for prompt disposition of such case. The request shall state the sentence then being served, the date of parole eligibility, the approximate discharge or conditional release date, and prior decision relating to parole. If there has been no preliminary hearing on the pending case the request shall state whether the inmate waives such hearing and if so shall be accompanied by a written waiver signed by the inmate.

(2) DUTY OF DISTRICT ATTORNEY IN FELONY CASES. If the crime charged is a felony, the district attorney shall either move to dismiss the pending case or arrange a date for preliminary hearing as soon as convenient and notify the warden or superintendent of the prison thereof, unless such hearing has already been held or has been waived. After the preliminary hearing or upon waiver thereof the district attorney shall file an information (unless it has already been filed) and mail a copy thereof to the warden or superintendent for service on the inmate. He shall bring the case on for trial within 180 days after receipt of the request unless:

(a) No term of court at which the case may be tried is held within such period;

(b) The trial is continued for cause upon notice to the defendant or his counsel or upon motion of defendant, or is continued by stipulation; or

(c) The trial cannot be held within such period because of the absence, disability, or disqualification of the judge and inability to obtain the services of another judge within the period. In any case, the trial shall be held at the earliest possible time after the expiration of said period of 180 days.

(3) DUTY OF DISTRICT ATTORNEY IN MISDEMEANOR CASES. If the crime charged is a misdemeanor, the district attorney shall either move to dismiss the charge or bring it on for trial within 180 days after receipt of the request.

(4) PLEA OF GUILTY. If the defendant desires to plead guilty or nolo contendere to the complaint or to the information served upon him, he shall notify the district attorney thereof. The district attorney shall thereupon arrange for his arraignment as soon as possible and the court may receive the plea and pronounce judgment.

(5) CASES IN MORE THAN ONE COUNTY. If the defendant wishes to plead guilty to cases pending in more than one county, the several district attorneys involved may agree with him and among themselves for all such pleas to be received in the appropriate court of one of such counties, and s. 956.01 (13) shall govern the procedure thereon so far as applicable.

(6) TRANSPORTATION AND CUSTODY OF PRISONER. The prisoner shall be delivered into the custody of the sheriff of the county in which he is to be plead or be tried, for transportation to the court, and he shall be retained in such custody during all proceedings under this section. The sheriff shall return him to the prison upon the completion of such proceedings and during any adjournments or continuances and between the preliminary hearing and the trial, except that if the department certifies a jail as being suitable to detain the prisoner he may be detained there until the court shall dispose of the case. His existing sentence continues to run and good time is earned under s. 53.11 while he is in such custody.

(7) WHEN FURTHER PROSECUTION BARRED. If the district attorney moves to dismiss any pending case or if it is not brought on for trial within the time herein specified the case shall be dismissed unless the defendant has escaped or otherwise prevented the trial, in which case the request for disposition of the case shall be deemed withdrawn and of no further legal effect. Nothing in this section prevents a trial after the period herein provided if a trial commenced within such period terminates in a mistrial, or a new trial is granted as provided by law.

Approved June 5, 1961.
