

No. 455, S.]

[Published September 29, 1961.

CHAPTER 499

AN ACT to amend 270.58 (1) of the statutes, relating to false arrests.

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

270.58 (1) of the statutes is amended to read:

270.58 (1) Where the defendant in any action, writ or special proceeding is a public officer and is proceeded against in his official capacity and the jury or the court finds that he acted in good faith the judgment as to damages and costs entered against the officer shall be paid by the state or political subdivision of which he is an officer. Reasonable attorney's fees shall also be paid by the political subdivision in false arrest cases where such governmental unit does not provide legal counsel to the defendant officer. *Deputy sheriffs in those counties where they serve not at the will of the sheriff but on civil service basis shall be covered by this subsection, except that the provision relating to payment of the judgment shall be discretionary and not mandatory. In such counties the judgment as to damages and costs may be paid by the county if approved by the county board.*

Approved September 18, 1961.