

Assembly Bill 720

Published
December 8, 1965.

CHAPTER 422

AN ACT to amend 253.12 and 959.12 (1) of the statutes, relating to criminal trial jurisdiction, time for taking appeals and sentencing procedures.

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

SECTION 1. 253.12 of the statutes is amended to read:

253.12 CRIMINAL TRIAL JURISDICTION. The county court has jurisdiction of all criminal matters except treason, concurrent with the circuit court; except that in any county having a population of 500,000 or more the county court shall have jurisdiction to hear, try and determine all

charges for misdemeanors arising within the county, and in addition thereto shall have jurisdiction to hear, try and determine all charges for ~~offenses felonies~~ arising within the county, the punishment whereof does not exceed one year's imprisonment in the state prison or county jail, or a fine not exceeding \$1,000, or both. Said branches shall also have ~~authority and jurisdiction to issue warrants for the apprehension of persons charged with the commission of offenses in said county which are triable before the criminal court branches of the circuit court, and jurisdiction to examine said alleged offenders and commit or hold them to bail.~~

SECTION 2. 959.12 (1) of the statutes is amended to read:

959.12 (1) Whenever a person charged with a crime will be a repeater as defined in s. 939.62 if convicted, ~~his any prior conviction or convictions~~ may be alleged in the complaint, indictment or information or ~~otherwise brought to the attention of the court amendments so alleging at any time before execution of sentence has commenced, and or at arraignment, and before acceptance of any plea. The court may, upon motion of the the district attorney, grant a reasonable time to investigate possible prior convictions before accepting a plea.~~ If such prior ~~conviction or convictions~~ be are admitted by the defendant or proved by the state he shall be subject to be sentenced under s. 939.62 unless he ~~shall establish~~ *establishes* that he was pardoned on grounds of innocence for any crime necessary to constitute him a repeater. ~~If the defendant is alleged to be a repeater after conviction, the charge shall be reduced to writing unless it is admitted in open court, and the defendant may have a jury trial on that issue if it is demanded, otherwise the issue shall be tried by the court.~~ An official report of the federal bureau of investigation or of any other governmental agency of the United States or of this or any other state shall be prima facie evidence of any conviction or sentence therein reported. Any sentence so reported shall be deemed prima facie to have been fully served in actual confinement or to have been so served for such period of time as is shown by or is consistent with the report. The court shall take judicial notice of United States and foreign statutes in determining whether the prior conviction was for a felony or a misdemeanor. ~~If sentence has already been passed but execution thereof has not been commenced before the court is informed that the defendant is a repeater, the court may set aside such sentence and resentence the defendant under s. 939.62.~~

Approved December 2, 1965.