



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 73
[2005 Senate Bill 132]

**Municipal Payment of Attorney
Fees**

2005 Wisconsin Act 73 amends the law relating to the payment of attorney fees of emergency medical services personnel, fire fighters, first responders, and law enforcement or correctional officers.

Prior law generally authorized, but did not require, a city, town, village, school district, technical college district, or county to pay reasonable expenses incurred by an officer of the governmental unit when an action was brought or charge filed against the officer in his or her official capacity or for conduct growing out of official duties and when the charge or action was discontinued or dismissed, the matter was determined favorably to the officer, or the officer was reinstated.

Wisconsin Act 73 requires the governmental unit to reimburse reasonable attorney fees incurred by an officer in connection with a criminal proceeding arising from the officer's conduct in the performance of official duties when the expenses are incurred by emergency medical personnel, a fire fighter, or a law enforcement or correctional officer. The mandatory payment does not apply if: (1) the officer is convicted of a crime; (2) the officer's employment is terminated for cause; (3) the officer resigns for reasons other than retirement before the expenses are incurred; (4) the officer is demoted or reduced in rank; or (5) the officer is suspended without pay for 10 or more working days. Finally, if a collective bargaining agreement covering the officer defines reasonable attorney fees for the purpose of reimbursement, that definition will apply.

Effective Date: The act takes effect on January 7, 2006.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.