



1999 ASSEMBLY BILL 575

November 5, 1999 - Introduced by Representative ZIEGELBAUER. Referred to Committee on Judiciary and Personal Privacy.

1 **AN ACT to amend** 805.07 (1); and **to create** 885.01 (6) of the statutes; **relating**
2 **to:** the authority of attorneys to issue subpoenas.

Analysis by the Legislative Reference Bureau

Current law allows various public officials, including judges, court commissioners, arbitrators, the attorney general, district attorneys, coroners and chairpersons of local elected bodies, to issue a subpoena to require the attendance of a witness at a proceeding, hearing or trial. Under current law, an attorney of record in a civil action or proceeding also has the power to issue a subpoena to require the attendance of a witness at a deposition, hearing or trial in the civil action. Attorneys representing defendants in criminal matters are not listed in the statutes as having authority to issue subpoenas. Current law provides that the rules of practice in civil actions apply in criminal actions, unless otherwise specified. However, because there is no specific authority giving attorneys representing criminal defendants the power to issue subpoenas, there is some question as to whether those attorneys currently have that authority.

This bill specifically gives attorneys representing criminal defendants the same power to issue subpoenas as is currently provided to attorneys in civil actions.

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

3 **SECTION 1.** 805.07 (1) of the statutes is amended to read:

ASSEMBLY BILL 575**SECTION 1**

1 805.07 (1) ISSUANCE AND SERVICE. Subpoenas shall be issued and served in
2 accordance with ch. 885. ~~A subpoena may also be issued by any attorney of record
3 in a civil action or special proceeding to compel attendance of witnesses for
4 deposition, hearing or trial in the action or special proceeding.~~

5 **SECTION 2.** 885.01 (6) of the statutes is created to read:

6 885.01 (6) By an attorney of record in a civil action, criminal action or special
7 proceeding, to require the attendance of a witness for a deposition, hearing or trial
8 in the action or special proceeding.

9 **SECTION 3. Initial applicability.**

10 (1) This act first applies to actions or special proceedings pending on the
11 effective date of this subsection.

12 (END)