

SHAE SORTWELL

STATE REPRESENTATIVE • 2nd ASSEMBLY DISTRICT

Hearing Testimony
Assembly Committee on Criminal and Public Safety
October 31, 2023
Assembly Bill 459

Chairman Spiros and members of the Assembly Committee on Criminal Justice and Public Safety – Thank you for giving me the opportunity to testify on AB 459, allowing temporary employee interchanges between the Department of Justice and an office of the district attorney.

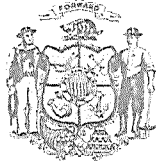
One of my priorities this session has been to alleviate the case backlog that has been stymieing our district attorney and public defender offices for several years. This backlog has consequently resulted in crimes not being prosecuted and people imprisoned waiting longer to have their day in court. According to the Wisconsin Court website, the median age for a felony case in 2022 was **218 days**.

This legislation gives district attorney offices a helping hand by creating a taskforce within DOJ whose specific duty is to assist district attorney's offices at their request. DOJ attorneys would be under the supervision of the district attorney they were assigned to.

Providing this resource to district attorney offices will help alleviate workload, eliminate case backlogs, and protect individuals' Sixth Amendment rights.

This legislation follows current law, under which government entities are able to participate in a temporary employee interchange program as part of intergovernmental cooperation.

I appreciate the opportunity to testify on this legislation and would gladly answer any questions the committee may have.



Van H. Wanggaard

Wisconsin State Senator

October 31, 2023

Testimony on Assembly Bill 459

Thank you Chairman Spiros and committee members for hearing Assembly Bill 459 (AB 459) today. This bill is one of two bills that Representative Sortwell and I have brought forward to address the unacceptable case backlog within Wisconsin's court system and provide new tools for district attorneys (DA's) to use.

At the end of 2022, there were 75,279 pending criminal cases in Wisconsin. In the year prior to the COVID-19 pandemic, there were just 58,678 pending cases. In addition, the median age of felony and misdemeanor cases since 2019 has increased by over 42%, and the median age of criminal traffic cases has increased by one-third.

In addition to the massive workload increase for DA's, this backlog creates a serious public safety risk. The longer that a case drags on, the longer that potentially violent criminals are out in public, and given the opportunity to commit additional crimes.

Assembly Bill 459 creates a special division within the Department of Justice (DOJ) entitled "the prosecuting task force." Under AB 549, the Attorney General could assign assistant attorneys general to the prosecuting task force, and empower district attorneys to request assistance from DOJ. If requested, the Attorney General may assign an attorney from the prosecuting task force to assist them.

I want to emphasize that the word "shall" does not appear in this bill. The appointment of attorneys to the prosecuting task force is voluntary, and the assignment of attorneys to assist a DA is voluntary.

Assembly Bill 459 provides district attorneys a new tool to help alleviate their caseloads, eliminate the backlog, as well as ensure defendants' 6th amendment right to a fair and speedy trial.

Thank you for your consideration of Assembly Bill 459. I encourage you to support its passage.

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TESTIMONY OF THE DEPARTMENT OF JUSTICE
Assembly Committee on Criminal Justice and Public Safety
Tuesday, October 31, 2023

Representative Spiros, Chair, and Representative Schutt, Vice-Chair, and
Members of the Committee:

Thank you for the opportunity to submit this testimony raising a few points for your
consideration as you evaluate 2023 Assembly Bill 459/2023 Senate Bill 459.

First, current state law allows for DOJ to assist district attorneys in prosecuting
criminal cases, and DOJ regularly receives and grants requests for assistance from
district attorneys. Under Wis. Stat. § 978.05(8)(b), a district attorney may request
assistance from, among others, “assistant attorneys general who then may appear
and assist in the investigation and prosecution of any matter for which a district
attorney is responsible under this subchapter in like manner as assistants in the
prosecutorial unit and with the same authority as the district attorney in the unit in
which the action is brought.” In addition, a special prosecutor, who can be an
assistant attorney general, can be appointed when one of certain conditions is met.
Wis. Stat. § 978.045(1r)(bm).

Second, while this bill would create a division, it would provide no new funding or
position authority to DOJ. To the extent that the legislature seeks to provide
additional support to district attorneys’ offices, of which DOJ is in favor, DOJ strongly
encourages the legislature to create and fund more assistant attorney general
positions at DOJ for that purpose or to create and fund more assistant district
attorney positions.

If you have any questions or would like any additional information, please contact
Chris McKinny, Department of Justice Government Affairs
Director, at (608) 224-9207 or McKinnyCJ@doj.state.wi.us .

Thank you for consideration of this testimony.