Resolution No. 63 - 01/16

Opposing Expansion to the Subpoena Process as Proposed in Wisconsin Assembly Bill 90

1 Moved/Sponsored by: Executive Committee

2 WHEREAS, Wisconsin Assembly Bill 90 proposes a wide-ranging revision of each chapter of the criminal code procedure; and,

3 WHEREAS, the Wisconsin Attorney General has expressed concern regarding the expedited discovery provisions that remain in the bill; the lack of adopting technology innovations such as electronic signatures, electronic filing and electronic discovery; and changes to the subpoena process that expand the ability to obtain private documents from crime victims and third parties, which could include victim service agencies; and,

4 WHEREAS, the expansion to the subpoena process could subject victims to uncontrolled access into their private records, such as treatment and health care records; and,

5 WHEREAS, the proposal would place the burden on the victim and other third parties to take legal action to protect their privacy.

6 NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors hereby opposes the expansion of the subpoena process contained in Assembly Bill 90.

7 BE IT FURTHER RESOLVED that the County Clerk is hereby directed to forward a copy of this resolution to the Governor, assembly members and senators representing Walworth County, and the Wisconsin Counties Association.

8 Nancy Russell
County Board Chair

9 Kimberly S. Bushey
County Clerk

10 County Board Meeting Date: January 12, 2016

11 Action Required: Majority Vote X Two-thirds Vote ______ Other ______

Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

12 David A. Bretl
County Administrator/Corporation Counsel

13 Nicole Andersen
Deputy County Administrator - Finance

14 If unsigned, exceptions shall be so noted by the County Administrator.

This Resolution/Ordinance was:
Adopted: Roll Call/U.C./Voice
Rejected/Referred/Laid Over

Ayes: Noes: Absent:
Date January 12, 2016
Policy and Fiscal Note
Resolution No. 63 - 01/16

I. Title: Opposing Expansion to the Subpoena Process as Proposed in Wisconsin Assembly Bill 90

II. Purpose and Policy Impact Statement: The purpose of this resolution is to oppose the expansion of the subpoena process as proposed in Wisconsin Assembly Bill 90.

III. Budget and Fiscal Impact: This is an advisory resolution and it will have no fiscal impact on the current budget.

IV. Referred to the following standing committees for consideration and date of referral:

   Committee: Executive Committee       Meeting Date: December 14, 2015
   Vote: 5 - 0

   County Board Meeting Date: January 12, 2016

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl 12/21/15
County Administrator/Corporation Counsel

Nicole Andersen 12/23/15
Deputy County Administrator – Finance

If unsigned, exceptions shall be so noted by the County Administrator.