



Tony Evers

OFFICE OF THE GOVERNOR

October 31, 2025

To The Honorable Members of the Senate:

I am vetoing Senate Bill 76 in its entirety.

This bill would require that prosecutors get judicial approval prior to dismissing or amending charges for certain covered crimes, which would be defined by the bill. Under the bill, the court may only approve the prosecutor's application to dismiss or amend a charge involving a covered crime under limited circumstances.

I am vetoing this bill in its entirety for several reasons, including those reasons I previously outlined in my veto message for a prior version of the bill, 2023 Assembly Bill 57. As I indicated then and note again today, I have heard from victim witness professionals, district attorneys, and the defense bar about the negative ramifications of the changes included in this bill.

First, I am vetoing this bill because I object to restricting the discretion of prosecutors and judges to address pending charges and, further, subjecting prosecutorial discretion to judicial review. As the U.S. Supreme Court has observed, the concept of prosecutorial discretion rests on the recognition that the strength of the case, deterrence, enforcement priorities, and the allocation of finite resources, among others, are factors rendering prosecutorial decisions ill-suited for judicial review.

I am also vetoing this bill because I object to restricting the availability of evidence-based deferred prosecution agreements that have been shown to have better outcomes and be more cost-effective than traditional incarceration. Further, I am equally concerned about the implications this legislation would have on crime victims and survivors across our state. By way of example, as was pointed out to me by several district attorneys in requesting that I veto 2023 Assembly Bill 57, prohibiting deferred prosecution agreements in certain sexual assault cases "would result in prosecutor[s] becoming much more selective on charging sexual assault cases, and thus more victims of serious crimes receiving no level of justice." Similarly, the Wisconsin Victim Witness Professionals also identified restricting the availability of deferred prosecution agreements as having a "negative impact" on "crime victims and communities we serve."

I am further vetoing this bill because I object to making appropriations unworkable. Under current law, two appropriations, ss. 20.410(1)(gL) and 20.437(1)(hh), include cross references to s. 971.37. This bill would repeal s. 971.37. When this bill was introduced, and curiously, when it was presented to me as 2023 Assembly Bill 57, it would have amended the appropriations to remove the references to the repealed statute. However, during the legislative process, the bill was amended to retain the appropriations' cross references to the repealed section. I am concerned that the bill would obstruct the workability of those appropriations and prevent the Department of Corrections from administering



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the global positioning system tracking program and prevent the Department of Children and Families from providing grants to domestic abuse services organizations.

For these reasons, I must veto this bill. I again welcome the Legislature to seriously and meaningfully consider supporting evidence-based solutions that respect and protect victims and survivors, reduce recidivism and improve community safety, bolster our justice system workforce, and ensure our communities have the resources they need to invest in public safety services across our state.

Respectfully submitted,

A handwritten signature in cursive script that reads "Tony Evers".

Tony Evers
Governor