



## 1995 ASSEMBLY BILL 465

June 27, 1995 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Judiciary.

1 **AN ACT** *to renumber and amend* 808.03 (1); and *to create* 808.03 (1) (a) to (d)  
2 of the statutes; **relating to:** limiting appeals as a matter of right to traffic  
3 regulation cases in which the penalty is a forfeiture.

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### *Analysis by the Legislative Reference Bureau*

Under current law, generally, a final judgment or order of a circuit court is appealable to the court of appeals as a matter of right. This provision applies to judgments, orders and dispositions rendered in traffic regulation cases. In *State v. Borowski*, 164 Wis. 2d 730 (Ct. App. 1991), the court held that the right to appeal did not apply to the result of a hearing regarding a refusal to take a chemical breath test because a judgment in that hearing could not result in a forfeiture. This bill codifies that decision by granting the right to appeal a final judgment or order in traffic regulation cases only if the judgment or order may require that a person convicted of a violation pay a forfeiture.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is introduced by the law revision committee under s. 13.83 (1) (c) 1., stats. After careful consideration of the decision in the court of appeals decision, *State v. Borowski*, 164 Wis. 2d 730 (Ct. App. 1991), the law revision committee has determined that codifying that decision is desirable as a matter of public policy.

4 **SECTION 1.** 808.03 (1) of the statutes is renumbered 808.03 (1) (intro.) and  
5 amended to read:

**SECTION 1**

1           808.03 (1) APPEALS AS OF RIGHT. (intro.) A final judgment or a final order of a  
 2 circuit court may be appealed as a matter of right to the court of appeals unless  
 3 otherwise expressly provided by law. A final judgment or final order is a judgment  
 4 ~~or, order entered in accordance with s. 806.06 (1) (b) or 807.11 (2) or a disposition~~  
 5 ~~recorded in docket entries in ch. 799 cases or traffic regulation or municipal~~  
 6 ~~ordinance violation cases prosecuted in circuit court which that disposes of the entire~~  
 7 matter in litigation as to one or more of the parties, whether rendered in an action  
 8 or special proceeding, and that is one of following:

9           **SECTION 2.** 808.03 (1) (a) to (d) of the statutes are created to read:

10           808.03 (1) (a) Entered in accordance with s. 806.06 (1) (b) or 807.11 (2).

11           (b) Recorded in docket entries in ch. 799 cases.

12           (c) Recorded in docket entries in traffic regulation cases prosecuted in circuit  
 13 court if a person convicted of a violation may be ordered to pay a forfeiture.

14           (d) Recorded in docket entries in municipal ordinance violation cases  
 15 prosecuted in circuit court.

16           **SECTION 3. Initial applicability.**

17           (1) This act first applies to final judgments or final orders rendered on the  
 18 effective date of this subsection.

NOTE: This bill codifies that an appeal as of right of a final judgment or order in a  
 traffic regulation case applies only in cases in which the penalty is a forfeiture.

19           **(END)**