

1987 Assembly Bill 136

Date of enactment: November 25, 1987
Date of publication: December 7, 1987

1987 Wisconsin Act 101

AN ACT to amend 967.055 (title), 971.38 (1) and 971.39 (1) (intro.); and to create 967.055 (3) of the statutes, relating to deferred prosecution programs and operating a motor vehicle while under the influence of alcohol or drugs or both.

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

SECTION 1. 967.055 (title) of the statutes is amended to read:

967.055 (title) Prosecution of offenses; operation of a motor vehicle or motorboat; alcohol, intoxicant or drug.

SECTION 2. 967.055 (3) of the statutes is created to read:

967.055 (3) NO DEFERRED PROSECUTION. A prosecutor may not place a person in a deferred prosecution program if the person is accused of or charged with any of the following offenses:

(a) A violation of s. 346.63 (1) or a local ordinance in conformity therewith.

(b) A violation of s. 346.63 (2).

(c) A violation of s. 940.09 if the offense involved the use of a vehicle.

(d) A violation of s. 940.25.

SECTION 3. 971.38 (1) of the statutes is amended to read:

971.38 (1) ~~The~~ Except as provided in s. 967.055 (3), the district attorney may require as a condition of any deferred prosecution program for any crime that the defendant perform community service work for a public agency or a nonprofit charitable organization. The number of hours of work required may not exceed what would be reasonable considering the seriousness of the alleged offense. An order may only apply if agreed to by the defendant and the organization or agency. The district attorney shall ensure that the defendant is provided a written statement of the terms of the community service order and that the community service order is monitored.

SECTION 4. 971.39 (1) (intro.) of the statutes is amended to read:

971.39 (1) (intro.) ~~In~~ Except as provided in s. 967.055 (3), in counties having a population of less than 100,000, if a defendant is charged with a crime, the district attorney, the department and a defendant may all enter into a deferred prosecution agreement which includes, but is not limited to, the following conditions: