

1 (b) The date on which the purchaser receives the last of the documents
2 required to be provided to the purchaser under sub. (1).

3 (3) ACTIVITY BEFORE CANCELLATION PERIOD EXPIRES. No title may be
4 recorded, deed delivered or deposit released until the cancellation period
5 under sub. (2) has expired. Nothing in this subsection or sub. (4) precludes
6 the execution of documents before the cancellation period expires, for deliv-
7 ery after the cancellation period expires.

8 (4) WAIVER PROHIBITED. The purchaser or any person on behalf of the
9 purchaser may not waive the right to cancel under sub. (2).

10 (5) NOTICE OF CANCELLATION. If a purchaser elects to cancel a contract
11 under sub. (2), the purchaser may do so by personally-delivering notice of the
12 cancellation to the seller or by mailing the notice to the developer or to the
13 developer's agent for service of process. If mailed, any notice of cancel-
14 lation shall be considered given on the date that the notice is postmarked.

15 (6) REFUND. (a) Cancellation under sub. (2) shall be without penalty,
16 and, except as provided in par. (b), all payments made by the purchaser before
17 cancellation shall be refunded within 20 days after receipt of the notice of
18 cancellation or within 5 days after receipt of funds from the purchaser's
19 cleared check, whichever is later.

20 (b) If the purchaser has used or occupied the time-share property for
21 more than 12 hours before cancellation, the funds to be returned to the pur-
22 chaser may be reduced by a reasonable charge to cover the length of stay plus
23 the cost for damages, if any, to the time-share property directly attributable
24 to the purchaser's use or occupancy of the time share property.

25 707.48 RESALES OF TIME SHARES. (1) REQUIRED DISCLOSURES. Except as
26 provided in s. 707.40 or except where delivery of a time-share disclosure
27 statement is required under s. 707.41 (2), a seller of a time share shall
28 furnish to the purchaser before execution of any contract for the purchase of

1 a time share, or otherwise before the transfer of title, a copy of the time-
2 share instrument, other than any plats or plans, and a certificate containing
3 statements disclosing all of the following information:

4 (a) The effect on the proposed transfer of any right of first refusal or
5 other restraint on transfer of all or any portion of the time share.

6 (b) The amount of the periodic time-share liability and any unpaid time-
7 share expense or special assessment or other sums currently due and payable
8 from the seller.

9 (c) Any other fees payable by time-share owners.

10 (d) Any judgments or other matters that are or may become liens against
11 the time share or the time-share unit and the status of any pending suits that
12 may result in those liens.

13 (2) MANAGING ENTITY; PREPARATION OF CERTIFICATE. (a) Except as provided
14 in par. (b), the managing entity, within 10 days after a request by a time-
15 share owner, shall furnish a certificate containing the information necessary
16 to enable the time-share owner to comply with sub. (1).

17 (b) If there is no managing entity, the time-share owner shall furnish
18 the information specified in sub. (1).

19 (3) LIABILITY; VOIDING CONTRACT. (a) A purchaser is not liable for any
20 unpaid time-share liability or fee greater than the amount set forth in a
21 certificate prepared under sub. (2).

22 (b) A time-share owner is not liable to a purchaser for the failure or
23 delay of the managing entity to provide the certificate in a timely manner or
24 for any erroneous information provided by the managing entity and included in
25 the certificate, except for information on judgment liens against the time
26 share or the time-share unit.

27 (c) A purchaser may void a purchase contract until the certificate,
28 whether prepared by the managing entity or time-share owner, is provided and

1 for 5 business days after the certificate is provided or until transfer of the
2 time share, whichever occurs first.

3 707.49 DEPOSITS; ESCROW REQUIREMENT. (1) DEFINITIONS. In this section:

4 (a) "Completion of construction" means that all accommodations of the
5 time-share unit and all buildings, improvements and other facilities of the
6 time-share property, including campground amenities, are available for use in
7 a manner identical in all material respects to the manner portrayed by the
8 time-share instrument, promotional materials, advertising and the time-share
9 disclosure statements.

10 (b) "Deposit" means any money or property given by a purchaser as earnest
11 money, downpayment or other payment in connection with the purchase of a time
12 share, whether the payment is intended to be applied toward the purchase price
13 or other obligation or returned to the purchaser, but excluding any dues
14 payment.

15 (c) "Escrow account" means an account established solely for the purposes
16 set forth in this section with a financial institution, as defined in s.
17 705.01 (3), which is located within this state and the accounts of which are
18 insured by a governmental agency or instrumentality.

19 (d) "Escrow agent" means any of the following:

20 1. A savings and loan association, bank or trust company located in this
21 state.

22 2. An attorney who is a member of the state bar of Wisconsin.

23 3. A real estate broker licensed under ch. 452.

24 4. A title insurance company authorized to do business in this state.

25 (2) ESCROW AGENT. (a) Designation. Except as provided in sub. (4),
26 before the sale of any time shares in a project, the developer shall establish
27 an escrow account and shall designate an escrow agent for the purpose of pro-
28 tecting the deposits of purchasers. All escrow agents shall be independent of

1 the developer, and the developer, any affiliate of the developer or any
2 officer, director, subsidiary or employe of the developer shall not serve as
3 escrow agent.

4 (b) Duties. An escrow agent designated under par. (a) shall do all of
5 the following:

6 1. Maintain, in accordance with generally accepted accounting practices,
7 separate books and records for each time share.

8 2. Maintain the accounts required by this section only in such a manner
9 as to be under the direct supervision and control of the escrow agent.

10 3. Retain for 5 years all affidavits received under sub. (3) (b).

11 4. Upon receipt of conflicting demands for the escrowed funds or
12 property, immediately and with the consent of all parties either submit the
13 matter to arbitration or, by interpleader or otherwise, seek an adjudication
14 of the matter in court.

15 (3) ESCROW AGREEMENT; RELEASE OF FUNDS. (a) Until the deposit may be
16 released from escrow under par. (b), an amount equal to 50% of the deposit
17 shall be deposited in an escrow account under an escrow agreement.

18 (b) The escrow agreement shall provide that the deposit may be released
19 from escrow only as follows:

20 1. If a purchaser gives a valid notice of cancellation under s. 707.47
21 (5) or is otherwise entitled to cancel the sale, the deposit shall be returned
22 to the purchaser under s. 707.47 (6).

23 2. After expiration of the cancellation period under s. 707.47 (2), if
24 the purchaser defaults in the performance of his or her obligations under the
25 contract to purchase, the developer shall provide an affidavit to the escrow
26 agent requesting release of the escrowed deposit and shall provide a copy of
27 the affidavit to the purchaser who has defaulted. The developer's affidavit
28 shall include all of the following:

1 a. A statement that the purchaser has defaulted and that the developer
2 has not defaulted.

3 b. A brief explanation of the nature of the default and the date of
4 default.

5 c. A statement that the developer is entitled under the contract to the
6 deposit held by the escrow agent.

7 d. A statement that the developer has not received from the purchaser any
8 written notice of a dispute between the purchaser and developer or a claim by
9 the purchaser to the escrowed deposit.

10 3. If no cancellation or default has occurred, the escrow agent may
11 release the escrowed deposit upon presentation by the developer of an affida-
12 vit and, if the project is subject to a blanket encumbrance, as defined in s.
13 707.38 (1), a certified copy of a recorded nondisturbance agreement. The
14 developer's affidavit shall state that all of the following have occurred:

15 a. Expiration of the cancellation period.

16 b. Completion of construction of the time-share unit and amenities or, if
17 ownership is not related to a specific unit, completion of construction of
18 sufficient units to provide appropriate use of the completed time-share units
19 by the purchaser.

20 c. Completion of the closing.

21 d. Execution and recording of a nondisturbance agreement meeting the
22 requirements of s. 707.38 (1m).

23 (4) SURETY BOND AND OTHER OPTIONS. Instead of placing deposits in an
24 escrow account, a developer may obtain a surety bond issued by a company
25 authorized to do business in this state, an irrevocable letter of credit or a
26 similar arrangement, in an amount which at all times is not less than the
27 amount of the deposits otherwise subject to the escrow requirements of this
28 section. The bond, letter of credit or similar arrangement shall be filed

1 with the department of justice and made payable to the department of justice
2 for the benefit of aggrieved parties.

3 707.50 CONVERSION BUILDING; TENANTS' RIGHTS. (1) NOTICE OF CONVERSION.

4 A developer of a time-share property which includes all or part of a conver-
5 sion building, and any person in the business of selling real estate for the
6 person's own account who intends to offer time shares in a time-share property
7 which includes all or part of a conversion building, shall give each residen-
8 tial tenant and residential subtenant in possession of the proposed time-share
9 units 120 days' prior written notice of the conversion. The notice shall set
10 forth generally the rights of tenants and subtenants under this section and
11 shall be personally delivered to the unit or mailed to the tenant and
12 subtenant at the address of the unit or any other mailing address provided by
13 a tenant.

14 (1m) TENANTS' RIGHTS. (a) A residential tenant or residential subtenant
15 shall not be required to vacate the property during the notice period required
16 under sub. (1) unless the tenancy is properly terminated under s. 704.17 or
17 unless, with respect to a tenancy under a lease, as defined in s. 704.01 (1),
18 the term of the lease expires.

19 (b) The terms of a residential tenancy may not be altered during the
20 notice period required under sub. (1).

21 (c) Failure to give notice as required by this section is a defense to an
22 action for possession.

23 (2) NOTICE OF TERMINATION. If the notice provided under sub. (1) meets
24 the requirements of s. 704.17 or 704.19, whichever may be applicable, and s.
25 704.21, the notice constitutes both a notice of conversion and notice of
26 termination of tenancy.

27 (3) PRIORITY OF LEASE. Nothing in this section permits termination of a
28 lease by a developer in violation of the terms of the lease.

1 707.51 PROTECTION OF CAMPGROUND INTERESTS. (1) INCREASE IN DUES
2 PAYMENTS. (a) Except as provided in par. (b), the total amount of dues pay-
3 ments in any year required to be paid by a campground member may not be in-
4 creased over the total amount of dues payments required during the previous
5 year by a percentage greater than the percentage increase in the U.S. consumer
6 price index for all urban consumers, U.S. city average, as determined by the
7 U.S. department of labor for the previous year, plus 3%.

8 (b) The limit on a dues payment increase provided in par. (a) does not
9 apply if all of the following occur:

10 1. The campground operator proposes an increase greater than the limit.

11 2. The campground operator mails a ballot to each campground member to
12 whom the increase would apply, at the campground member's last-known mailing
13 address.

14 3. A majority of the campground members who return ballots approve the
15 increase.

16 (2) USE OF DUES PAYMENTS. Dues payments may not be used for any purposes
17 other than those stated in the campground contract.

18 (3) MODIFICATION OF CAMPGROUND RULES. (a) Except as provided in par.
19 (b), with respect to a campground located in this state, the campground oper-
20 ator may not, in any manner that significantly degrades or diminishes the
21 rights of the majority of campground members, adversely modify any campground
22 rules or regulations or adversely modify rights to or the scope or nature of
23 any campground or campground amenity, unless occasioned by unanticipated
24 emergency circumstances, in which case the modifications may be made for a
25 period not to exceed 90 days.

26 (b) Except as provided in par. (c), a campground operator may modify
27 campground rules or regulations, or rights to or the scope or nature of a
28 campground or campground amenity if all of the following occur:

- 1 1. The campground operator proposes a modification.
- 2 2. The campground operator mails a ballot to each campground member to
3 whom the modification would apply, at the campground member's last-known
4 mailing address.
- 5 3. A majority of the campground members who return ballots approve the
6 modification.
- 7 (c) A campground operator may not under par. (b) terminate a campground
8 contract or suspend a campground member's right or privilege to use a camp-
9 ground or campground amenities.
- 10 707.52 CAMPGROUNDS; BREACH BY MEMBER. (1) TERMINATION FOR BREACH. A
11 campground operator may not terminate a campground contract because of a
12 campground member's breach of rules or regulations or terms or conditions of
13 the campground contract, other than terms or conditions for instalment pay-
14 ments of the purchase price or for dues payments, unless the campground member
15 has been given at least 30 days' prior written notice of the breach and an
16 opportunity within that period to cure the breach, and unless the breach con-
17 stitutes any of the following:
- 18 (a) A threat to others or to the property of others.
- 19 (b) A repeated violation of rules or regulations or terms or conditions,
20 after notice has been given of a previous breach.
- 21 (c) A public nuisance.
- 22 (d) An unreasonable infringement upon the rights of other campground
23 members.
- 24 (2) SUSPENSION. A campground operator, upon prior written notice, may
25 immediately suspend a campground member's right or privilege to use camp-
26 grounds and campground amenities upon a breach of rules or regulations or
27 terms or conditions under sub. (1) (a) to (d) or upon failure to make instal-
28 ment payments of the purchase price or to make dues payments.

1 (3) TERMINATION; INSTALMENT PAYMENTS. A campground operator may not
2 terminate a campground contract because of a campground member's failure to
3 make instalment payments of the purchase price unless the campground member
4 has been given at least 30 days' prior written notice of the breach and an
5 opportunity within that period to cure the breach.

6 (4) TERMINATION; DUES PAYMENTS. A campground operator may not terminate
7 a campground contract because of a campground member's failure to make dues
8 payments unless the default continues for more than 6 months.

9 (5) REINSTATING A CAMPGROUND CONTRACT. A campground operator may rein-
10 state a campground contract that was terminated or suspended for failure to
11 make instalment payments of the purchase price or dues payments if the camp-
12 ground member pays all delinquent amounts, together with any interest or pen-
13 alties specified in the campground contract.

14 (6) NO UNREASONABLE FORFEITURE. The termination of a campground contract
15 because of a campground member's breach may not result in an unreasonable
16 forfeiture of the amount of the purchase price already paid. During the first
17 5 years after a campground contract is signed, the campground operator may not
18 retain a forfeiture, as the result of a campground member's breach, in an
19 amount which exceeds that portion of the total purchase price which is equal
20 to the percentage of the number of months the campground contract has been in
21 effect during the first 5-year period plus 20% of the total purchase price.

22 707.53 WARRANTIES. (1) EXPRESS WARRANTIES OF QUALITY. (a) Express
23 warranties made by any seller of a time share to a purchaser, if relied upon
24 by the purchaser, are created as follows:

25 1. Any affirmation of fact or promise which relates to the time share,
26 the time-share unit, rights appurtenant to either, area improvements that
27 would directly benefit the time share or the right to use or have the benefit
28 of facilities not located on the time-share unit, creates an express warranty

1 that the time share, the time-share unit and related rights and uses will
2 conform to the affirmation or promise.

3 2. Any model or description of the physical characteristics of the time-
4 share property, including plans and specifications of or for improvements,
5 creates an express warranty that the time-share property will conform to the
6 model or description.

7 3. Any description of the quantity or extent of the real estate con-
8 stituting the time-share property, including plats or surveys, creates an
9 express warranty that the time-share property will conform to the description,
10 subject to customary tolerances.

11 4. A provision that a purchaser may put a time-share unit only to a
12 specified use is an express warranty that the specified use is lawful.

13 (b) Neither formal words, such as "warranty" or "guarantee", nor a spe-
14 cific intention to make a warranty, is necessary to create an express warranty
15 of quality, but a statement purporting to be merely an opinion or commendation
16 of the time share, the time-share unit or the value of either does not create
17 a warranty.

18 (c) Any transfer of a time share transfers to the purchaser all express
19 warranties of quality made by previous sellers.

20 (2) IMPLIED WARRANTIES OF QUALITY. (a) A developer and any person in
21 the business of selling real estate for the person's own account impliedly
22 warrants all of the following:

23 1. That except for reasonable wear and tear a time-share unit will be in
24 at least as good condition at the earlier of the time of the transfer or of
25 the delivery of possession of the time-share unit as it was at the time of
26 contracting.

27 2. That a time-share unit and any other real property that the time-share
28 owners have a right to use in conjunction with the time-share unit are suit-

1 able for the ordinary uses of real estate of its type, and that any improve-
2 ments made or contracted for by the developer or the person in the business of
3 selling real estate for the person's own account, or made by any person before
4 transfer, will be all of the following:

5 a. Free from defective materials.

6 b. Constructed in accordance with applicable law, according to sound
7 engineering and construction standards, and in a workmanlike manner.

8 (b) In addition to par. (a), a developer impliedly warrants to a pur-
9 chaser of a time share that an existing use of the time-share unit, continu-
10 ation of which is contemplated by the parties, does not violate applicable law
11 at the earlier of the time of transfer or of the delivery of possession of the
12 time-share unit.

13 (c) For purposes of this subsection, improvements made or contracted for
14 by an affiliate of a developer are made or contracted for by the developer.

15 (d) Any transfer of a time share transfers to the purchaser all of the
16 developer's implied warranties of quality.

17 (3) ACCRUAL OF ACTIONS. (a) Subject to par. (b), a cause of action for
18 breach of warranty of quality, regardless of the purchaser's lack of knowledge
19 of the breach, accrues, unless extended by agreement, as follows:

20 1. As to a unit, at the time of the first transfer of a time share in the
21 unit by the seller to a bona fide purchaser.

22 2. As to other improvements, at the time each improvement is completed.

23 (b) If a warranty of quality explicitly extends to future performance or
24 duration of any improvement or component of the property, the cause of action
25 accrues at the time the breach is discovered or at the end of the period for
26 which the warranty explicitly extends, whichever is earlier.

27 707.54 LABELING OF PROMOTIONAL MATERIAL. If any improvement in the
28 time-share property is not required to be built, no promotional material may

1 be displayed or delivered to prospective purchasers which describes or
2 portrays that improvement unless the description or portrayal of the improve-
3 ment is conspicuously labeled or identified as "NEED NOT BE BUILT".

4 707.55 PROHIBITED ADVERTISING AND SALES PRACTICES. In connection with
5 the offer or sale of a time share, no person may engage in any of the follow-
6 ing practices:

7 (1) FALSE OR MISLEADING STATEMENTS. Making any assertion, representation
8 or statement of material fact that is false, deceptive or misleading.

9 (2) INCENTIVES. Making any assertion, representation or statement that
10 any incentives, including discounts, special prices, merchandise awards, types
11 of memberships or other financial benefits, are only available to a prospec-
12 tive purchaser for the remainder of the day on which the assertion, repre-
13 sentation or statement is made, except that the person may state that the
14 incentives are not guaranteed in the future and that they may be subject to
15 negotiation in the future.

16 (2m) VALUE OF INCENTIVES. Making any assertion, representation or
17 statement that an incentive or inducement to purchase has a specified price or
18 value unless the incentive or inducement is customarily sold apart from the
19 sale of a time share.

20 (3) RESALE VALUE. Misrepresenting the resale value of a time share.

21 (4) FINANCIAL INVESTMENT. Representing a time share as a financial
22 investment.

23 (5) SALESPERSONS. Misrepresenting the identity, function or authority of
24 a salesperson, including a time-share salesperson, as defined in s. 452.01
25 (9), or team of salespersons.

26 (6) CONTRADICTORY STATEMENTS. Making any assertion, representation or
27 statement of material fact which is inconsistent with or contradictory to the

1 terms or provisions of the purchase contract or material provided with the
2 purchase contract.

3 (7) LENGTH OF SALES PRESENTATION. Misrepresenting the reasonably esti-
4 mated length of any sales presentation by a salesperson, including a time-
5 share salesperson, as defined in s. 452.01 (9), or team of salespersons.

6 (8) SELLER'S IDENTITY. Failing to clearly disclose the seller's identity
7 and that time shares are being offered for sale at the beginning of an initial
8 contact with a prospective purchaser, if the contact is initiated by or on
9 behalf of a seller.

10 (9) PURPOSE OF ADVERTISING MATERIAL. Failing to include the following
11 disclosure, in boldface type, on any printed advertising material, including
12 any lodging certificate, gift, award, prize, premium or discount: THIS
13 ADVERTISING MATERIAL IS BEING USED FOR THE PURPOSE OF SOLICITING THE SALE OF
14 REAL PROPERTY OR INTERESTS IN REAL PROPERTY.

15 (10) GIFTS AND PRIZES. With respect to any mail or coupon promotion sent
16 to residents of this state that offers any award, gift or prize for visiting a
17 development or attending any sales presentation:

18 (a) Failing to set forth a statement of the odds, in arabic numerals, of
19 receiving each item offered in the promotion if an element of chance is
20 involved in receiving any of the items offered in the promotion.

21 (b) Misrepresenting the approximate retail value of the items offered in
22 the promotion through prices other than those reflecting fair market value for
23 the region consisting of Wisconsin, Illinois, Michigan, Ohio and Indiana.

24 (c) Misrepresenting the approximate retail value of any item offered in
25 the promotion through the graphic or pictorial clustering of the items offered
26 or through a misleading description of the items.

1 (d) Failing to disclose the conditions, restrictions and any additional
2 charges reasonably expected to be incurred in connection with the goods or
3 services or both constituting the award, gift or prize.

4 (11) WAIVER. Entering into or requesting a person to enter into any
5 agreement or stipulation that binds the person to waive compliance with this
6 section or that requests the person to certify the absence of any misrep-
7 resentation or other violation of this section.

8 707.56 DEVELOPER'S OBLIGATION TO COMPLETE IMPROVEMENTS. The developer
9 shall complete all promised improvements as described in the time-share
10 instrument, promotional materials, advertising and the time-share disclosure
11 statements. The developer shall be excused for the period or periods of delay
12 in the completion of any promised improvement if delayed, hindered or pre-
13 vented from doing so by causes beyond the developer's control, including any
14 of the following:

15 (1) Labor disputes not caused by the developer.

16 (2) Riots.

17 (3) Civil commotion or insurrection.

18 (4) War or warlike operations.

19 (5) Governmental restrictions, regulations or control.

20 (6) Inability to obtain any materials or services.

21 (7) Fire or other casualties.

22 (8) Acts of God.

23 (9) Forces not under the control or supervision of the developer.

24 707.57 REMEDIES AND PENALTIES. (1) PRIVATE REMEDIES. (a) If a devel-
25 oper or any other person subject to this chapter fails to comply with this
26 chapter or the time-share instrument, any person or class of persons adversely
27 affected by the failure to comply has a claim for appropriate relief, includ-

1 ing but not limited to damages, injunctive or declaratory relief, specific
2 performance and rescission.

3 (b) A person or class of persons entitled to relief under par. (a) is
4 also entitled to recover costs, disbursements and reasonable attorney fees,
5 notwithstanding s. 814.04 (1).

6 (2) ATTORNEY GENERAL'S AUTHORITY. (a) The department of justice, or any
7 district attorney upon informing the department of justice, may commence an
8 action in circuit court in the name of the state to restrain by temporary or
9 permanent injunction any violation of this chapter. Before entry of final
10 judgment, the court may make such orders or judgments as may be necessary to
11 restore to any person any pecuniary loss suffered because of the acts or
12 practices involved in the action if proof of these acts or practices is sub-
13 mitted to the satisfaction of the court.

14 (b) The department of justice may conduct hearings, administer oaths,
15 issue subpoenas and take testimony to aid in its investigation of violations
16 of this chapter.

17 (3) PENALTY. Any person who violates this chapter shall be required to
18 forfeit not more than \$5,000 for each offense. Forfeitures under this sub-
19 section shall be enforced by action on behalf of the state by the department
20 of justice or by the district attorney of the county where the violation
21 occurs.

22 (4) LIBERAL CONSTRUCTION. The remedies provided by this chapter shall be
23 liberally administered.

24 707.58 APPLICABILITY TO EXISTING TIME SHARES. (1) This chapter applies
25 to all time shares created in units within this state on or after the effec-
26 tive date of this subsection [revisor inserts date], and to time shares
27 created before the effective date of this subsection [revisor inserts
28 date], as provided in subs. (2) to (12).

1 (2) Sections 707.03, 707.30 (5) (a) 1 to 9 and 14 to 16 and (c) 1, 707.35
2 (1) to (6) and (8), 707.36, 707.37 and 707.38 (1), (2), (3) and (5) apply to
3 time shares created before the effective date of this subsection [revisor
4 inserts date].

5 (3) Sections 707.06 and 707.07 apply to contracts relating to time shares
6 created before the effective date of this subsection [revisor inserts
7 date], if the contract is entered into on or after the effective date of this
8 subsection [revisor inserts date].

9 (4) Section 707.23 applies to time-share units created before the effec-
10 tive day of this subsection [revisor inserts date], but s. 707.23 does
11 not apply to actions for partition which are brought before the effective day
12 of this subsection [revisor inserts date].

13 (5) Section 707.34 applies to actions relating to time shares created
14 before the effective date of this subsection [revisor inserts date], if
15 those actions accrued on or after the effective date of this subsection
16 [revisor inserts date].

17 (6) Section 707.35 (7) applies to time-share property created before the
18 effective date of this subsection [revisor inserts date], which is dam-
19 aged or destroyed on or after the effective date of this subsection
20 [revisor inserts date].

21 (7) Sections 707.38 (1m) and (4) and 707.48 apply to time shares which
22 were created before the effective date of this subsection [revisor
23 inserts date], and which are sold on or after the effective date of this sub-
24 section [revisor insert date].

25 (8) Section 707.49 applies to time shares created before the effective
26 date of this subsection [revisor inserts date], with respect to deposits,
27 as defined in s. 707.49 (1) (b), relating to those time shares which are

1 received on or after the effective date of this subsection [revisor
2 inserts date].

3 (9) Section 707.53 applies to time shares created before the effective
4 date of this subsection [revisor inserts date], with respect to warran-
5 ties relating to those time shares which are made on or after the effective
6 date of this subsection [revisor inserts date].

7 (10) Section 707.57 applies to actions relating to time shares created
8 before the effective date of this subsection [revisor inserts date], to
9 the extent the time shares are subject to this chapter.

10 (11) Section 707.02 applies to time shares created before the effective
11 date of this subsection [revisor inserts date] to the extent necessary to
12 construe any of the provisions listed in subs. (2) to (10).

13 (12) The provisions listed in subs. (2) to (11) do not apply to time
14 shares created before the effective date of this subsection [revisor
15 inserts date], if the provision conflicts with any rights or obligations
16 created by a time-share instrument, document transferring an estate or inter-
17 est in real property, or contract, existing before the effective date of this
18 subsection [revisor inserts date].

19 (13) The time-share instrument or similar document of a time-share prop-
20 erty created before the effective date of this subsection [revisor
21 inserts date], may be amended to accomplish any result permitted by this
22 chapter if the amendment is adopted in conformity with the procedures and
23 requirements specified by the time-share instrument or similar document. If
24 the amendment grants to any person any rights, powers or privileges permitted
25 by this chapter, all correlative obligations, liabilities and restrictions in
26 this chapter also apply to that person.

27 707.59 TIME-SHARE UNITS NOT WITHIN STATE. (1) Except as provided in
28 sub. (2), if time shares in a time-share unit located outside of this state

1 are offered or sold in this state, the laws of the state where the time-share
2 unit is located which relate to a general matter covered by this chapter apply
3 to the offer or sale of those time shares in this state. If the state in
4 which the time-share unit is located has no laws relating to a general matter
5 covered by this chapter, the provision in this chapter relating to that matter
6 applies to the offer or sale of those time shares in this state.

7 (2) Section 707.55 applies to any offer or sale of a time share in a
8 time-share unit, whether the time-share unit is located in this state or out-
9 side this state.

10 ••87b3371/1••SECTION 458c. 752.31 (4) of the statutes is amended to read:
11 752.31 (4) If a request for a 3-judge panel is granted under sub. (3),
12 the district attorney handling the case under s. ~~59.47(7)~~ 978.05 (5) shall
13 transfer all necessary files and papers relating to the case to the attorney
14 general.

15 ••87b3371/1••SECTION 458d. 767.02 (3) of the statutes is amended to read:
16 767.02 (3) Commencement of an action affecting the family which affects a
17 minor child constitutes an application to the department of health and social
18 services for services on behalf of the minor child under s. 46.25. This
19 application does not authorize representation under s. 46.25 or ~~59.47(14)~~
20 59.458 (2), or intervention as a party in any action, by the department of
21 health and social services.

22 ••87b3371/1••SECTION 458e. 767.085 (1) (g) of the statutes is amended to
23 read:
24 767.085 (1) (g) Whenever the petitioner requests an order or judgment
25 affecting a minor child, that the petitioner requests the department of health
26 and social services to provide services on behalf of the minor child under s.
27 46.25, except that this application does not authorize representation under s.

1 46.25 or ~~59.47 (14)~~ 59.458 (2), or intervention as a party in any action, by
2 the department of health and social services.

3 ••87b3371/1••SECTION 458f. 767.085 (5) of the statutes is amended to
4 read:

5 767.085 (5) RESPONSE, CONTENTS. Whenever the respondent requests an order
6 or judgment affecting a minor child, the response shall state that the
7 respondent requests the department of health and social services to provide
8 services on behalf of the minor child under s. 46.25, except that this appli-
9 cation does not authorize representation under s. 46.25 or ~~59.47 (14)~~ 59.458
10 (2), or intervention as a party in any action, by the department of health and
11 social services.

12 ••87b2411/1••SECTION 458m. 767.45 (1) (j) of the statutes is created to
13 read:

14 767.45 (1) (j) 1. A parent of a person listed under par. (b), (c) or (d),
15 if the parent is liable or is potentially liable for maintenance of a child of
16 a dependent person under s. 49.90 (1) (a) 2.

17 2. Subdivision 1 does not apply after December 31, 1989.

18 ••87b3371/1••SECTION 458p. 767.45 (6) of the statutes is amended to read:
19 767.45 (6) (a) ~~The county board shall designate either the district~~
20 ~~attorney or the corporation counsel to~~ support enforcement attorney under s.
21 59.458 shall provide the representation authorized under par. (b) in cases
22 brought under this section.

23 (b) ~~The support enforcement attorney designated under par. (a) or any~~
24 ~~state other~~ attorney may represent any petitioner who commences an action
25 under this section with that person's consent. The county support enforcement
26 ~~attorney authorized under par. (a)~~ is the only county attorney who may provide
27 this representation with the consent of the petitioner and is the only county

1 attorney who may provide representation when the state delegates its authority
2 under sub. (1) (g).

3 (c) The ~~county~~ support enforcement attorney or any state attorney acting
4 under par. (b) may not represent a party in an action under this section and
5 at the same time act as guardian ad litem for the child or the alleged child
6 of the party.

7 ••87b3371/1••SECTION 472b. 767.52 (3) of the statutes is amended to read:
8 767.52 (3) ~~Nothing contained in this~~ This section shall does not prevent
9 a ~~district attorney, corporation counsel~~ support enforcement attorney or other
10 attorney employed under s. 46.25 or 59.07 (97) from appearing in any paternity
11 action as provided under s. 767.45 (6).

12 ••87b3371/1••SECTION 472bd. 767.65 (2) (am) of the statutes is repealed.

13 ••87b3371/1••SECTION 472be. 767.65 (6) (a) and (b) of the statutes are
14 amended to read:

15 767.65 (6) (a) Before making the demand upon the governor of another
16 state for the surrender of a person charged criminally in this state with
17 failing to provide for the support of a person, the governor of this state may
18 require any ~~district~~ support enforcement attorney of this state to satisfy him
19 or her that at least 60 days prior thereto the obligee initiated proceedings
20 for support under this section or that any proceeding would be of no avail.

21 (b) If, under a substantially similar law, the governor of another state
22 makes a demand upon the governor of this state for the surrender of a person
23 charged criminally in that state with failure to provide for the support of a
24 person, the governor may require any ~~district~~ support enforcement attorney to
25 investigate the demand and to report to ~~him~~ the governor whether proceedings
26 for support have been initiated or would be effective. If it appears to the
27 governor that a proceeding would be effective but has not been initiated, he

1 or she may delay honoring the demand for a reasonable time to permit the ini-
2 tiation of a proceeding.

3 ••87b3371/1••SECTION 472bf. 767.65 (12) of the statutes is amended to
4 read:

5 767.65 (12) OFFICIALS TO REPRESENT OBLIGEE. If this state is acting as
6 an initiating state, the ~~district~~ support enforcement attorney, upon the
7 request of the court or the person in charge of county welfare activities,
8 shall represent the obligee in any proceeding under this section. If the
9 ~~district~~ support enforcement attorney neglects or refuses to represent the
10 obligee, the department of justice may undertake the representation.

11 ••87b3371/1••SECTION 472bg. 767.65 (17) (c) of the statutes is amended to
12 read:

13 767.65 (17) (c) After the deposit of 3 copies of the petition and
14 certificate and one copy of the law of the initiating state with the clerk of
15 the appropriate court, if the state information agency knows or believes that
16 the ~~district~~ support enforcement attorney is not prosecuting the case
17 diligently, the department of justice may undertake the representation.

18 ••87b3371/1••SECTION 472bh. 767.65 (18) of the statutes is amended to
19 read:

20 767.65 (18) DUTY OF THE COURT AND OFFICIALS OF THIS STATE AS RESPONDING
21 STATE. (a) After the responding court receives copies of the petition,
22 certificate and law from the initiating court, the clerk of the court shall
23 docket the case and notify the ~~district~~ support enforcement attorney of his or
24 her action.

25 (b) The ~~district~~ support enforcement attorney shall prosecute the case
26 diligently. He or she shall take all action necessary in accordance with the
27 laws of this state to enable the court to obtain jurisdiction over the obligor

1 or his or her property and shall request the court to set a time and place for
2 a hearing and give notice thereof to the obligor in accordance with law.

3 (c) If the ~~district~~ support enforcement attorney neglects or refuses to
4 represent the obligee, the department of justice may undertake the
5 representation.

6 ••87b3371/1••SECTION 472bi. 767.65 (19) of the statutes is amended to
7 read:

8 767.65 (19) FURTHER DUTIES OF COURT AND OFFICIALS IN THE RESPONDING
9 STATE. (a) The ~~district~~ support enforcement attorney on ~~his own~~ personal
10 initiative shall use all available means ~~at his disposal~~ to locate the obligor
11 or his or her property, and, if because of inaccuracies in the petition or
12 otherwise the court cannot obtain jurisdiction, the ~~district~~ support enforce-
13 ment attorney shall inform the court of what he or she has done and request
14 the court to continue the case pending receipt of more accurate information or
15 an amended petition from the initiating court.

16 (b) If the obligor or his or her property is not found in the county, and
17 the ~~district~~ support enforcement attorney discovers that the obligor or his or
18 her property may be found in another county of this state or in another state
19 he, the attorney shall so inform the court. Thereupon the clerk of the court
20 shall forward the documents received from the court in the initiating state to
21 a court in the other county or to a court in the other state or to the
22 information agency or other proper official of the other state with a request
23 that the documents be forwarded to the proper court. All powers and duties
24 provided by this section apply to the recipient of the documents so forwarded.
25 If the clerk of a court of this state forwards documents to another court, he
26 or she shall forthwith notify the initiating court.

1 (c) If the ~~district~~ support enforcement attorney has no information as to
2 the location of the obligor or his or her property ~~he~~, the attorney shall so
3 inform the initiating court.

4 ••87b3371/1••SECTION 472bj. 767.65 (24) of the statutes is amended to
5 read:

6 767.65 (24) ORDER OF SUPPORT. If the responding court finds a duty of
7 support it may order the obligor to furnish support or reimbursement therefor
8 and subject the property of the obligor to the order. Support orders made
9 pursuant to this section shall require that payments be made to the clerk of
10 the court of the responding state. The court and ~~district~~ support enforcement
11 attorney of any county in which the obligor is present or has property have
12 the same powers and duties to enforce the order as have those of the county in
13 which it was first issued. If enforcement is impossible or cannot be com-
14 pleted in the county in which the order was issued, the ~~district~~ support
15 enforcement attorney shall send a certified copy of the order to the ~~district~~
16 support enforcement attorney of any county in which it appears that proceed-
17 ings to enforce the order would be effective. The ~~district~~ support enforce-
18 ment attorney to whom the certified copy of the order is forwarded shall pro-
19 ceed with enforcement and report the results of the proceedings to the court
20 first issuing the order. The enforcement may proceed as provided in subs.
21 (37) to (40).

22 ••87b3371/1••SECTION 472bk. 767.65 (33) of the statutes is amended to
23 read:

24 767.65 (33) INTRASTATE APPLICATION. This section applies if both the
25 obligee and the obligor are in this state but one or both are in the juris-
26 diction of a federally recognized elected tribal governing body or the 2 are
27 in different counties. If the court of the tribal jurisdiction or the circuit
28 court for the county in which the petition is filed finds that the petition

1 sets forth facts from which it may be determined that the obligor owes a duty
2 of support and finds that a court of another tribal jurisdiction or the cir-
3 cuit court for another county in this state may obtain jurisdiction over the
4 obligor or his or her property, the clerk of the court shall send the petition
5 and a certification of the findings to the court of the tribal jurisdiction or
6 the circuit court for the county in which the obligor or his or her property
7 is found. The clerk of the court receiving these documents shall notify the
8 ~~district~~ support enforcement attorney or the tribal attorney of their receipt.
9 The attorney and the court to which the copies are forwarded then shall have
10 duties corresponding to those imposed upon them when acting for this state as
11 a responding state.

12 ••87b3371/1••SECTION 472bL. 767.65 (38) of the statutes is amended to
13 read:

14 767.65 (38) OFFICIAL TO REPRESENT OBLIGEE. (a) If this state is acting
15 either as a rendering or a registering state, the ~~district~~ support enforcement
16 attorney, upon the request of the court, shall represent the obligee in pro-
17 ceedings under ~~sub-~~ subs. (36) to (40).

18 (b) If the ~~district~~ support enforcement attorney neglects or refuses to
19 represent the obligee, the department of justice may undertake the
20 representation.

21 ••87b3371/1••SECTION 472bm. 767.65 (39) (b) of the statutes is amended to
22 read:

23 767.65 (39) (b) Promptly upon registration, the clerk of the court shall
24 send by certified or registered mail to the obligor at the address given a
25 notice of the registration with a copy of the registered support order and the
26 post-office address of the obligee. He ~~The clerk~~ shall also docket the case
27 and notify the ~~district~~ support enforcement attorney of his or her action.

1 The ~~district~~ support enforcement attorney shall proceed diligently to enforce
2 the order.

3 ••87b2697/1••SECTION 472c. 778.25 (2) (g) of the statutes, as affected by
4 1987 Wisconsin Act 27, is amended to read:

5 778.25 (2) (g) Notice that if the defendant makes a deposit and fails to
6 appear in court at the time fixed in the citation, the failure to appear will
7 be considered tender of a plea of no contest and submission to a forfeiture,
8 penalty assessment and jail assessment plus costs, including any applicable
9 fees prescribed in ~~ss. 814.63 (1) and (2) and 814.635~~ ch. 814, not to exceed
10 the amount of the deposit. The notice shall also state that the court may
11 decide to summon the defendant or, if the defendant is an adult, issue an
12 arrest warrant for the defendant rather than accept the deposit and plea.

13 ••87b2697/1••SECTION 472d. 778.25 (2) (h) of the statutes, as affected by
14 1987 Wisconsin Act 27, is amended to read:

15 778.25 (2) (h) Notice that if the defendant makes a deposit and signs the
16 stipulation, the stipulation is treated as a plea of no contest and submission
17 to a forfeiture, penalty assessment and jail assessment plus costs, including
18 any applicable fees prescribed in ~~ss. 814.63 (1) and (2) and 814.635~~ ch. 814,
19 not to exceed the amount of the deposit. The notice shall also state that the
20 court may decide to summon the defendant or, if the defendant is an adult,
21 issue an arrest warrant for the defendant rather than accept the deposit and
22 stipulation, and that the defendant may, at any time prior to or at the time
23 of the court appearance date, move the court for relief from the effect of the
24 stipulation.

25 ••87b2697/1••SECTION 472e. 778.25 (3) of the statutes, as affected by
26 1987 Wisconsin Act 27, is amended to read:

27 778.25 (3) If a person is issued a citation under this section the person
28 may deposit the amount of money the issuing officer directs by mailing or

1 delivering the deposit and a copy of the citation to the clerk of court of the
2 county where the violation occurred or the sheriff's office or police head-
3 quarters of the officer who issued the citation prior to the court appearance
4 date. The basic amount of the deposit shall be determined under a deposit
5 schedule established by the judicial conference. The judicial conference
6 shall annually review and revise the schedule. In addition to the basic
7 amount determined by the schedule the deposit shall include costs, including
8 any applicable fees prescribed in ~~ss. 814.63 (1) and (2) and 814.635~~ ch. 814,
9 penalty assessment and jail assessment.

10 ••87b2697/1••SECTION 472f. 778.25 (5) of the statutes, as affected 1987
11 Wisconsin Act 27, is amended to read:

12 778.25 (5) Except as provided by sub. (6) a person receiving a deposit
13 shall prepare a receipt in triplicate showing the purpose for which the
14 deposit is made, stating that the defendant may inquire at the office of the
15 clerk of court regarding the disposition of the deposit, and notifying the
16 defendant that if he or she fails to appear in court at the time fixed in the
17 citation he or she will be deemed to have tendered a plea of no contest and
18 submitted to a forfeiture, penalty assessment and jail assessment plus costs,
19 including any applicable fees prescribed in ~~ss. 814.63 (1) and (2) and 814.635~~
20 ch. 814, not to exceed the amount of the deposit which the court may accept.
21 The original of the receipt shall be delivered to the defendant in person or
22 by mail. If the defendant pays by check, the check is the receipt.

23 ••87b2697/1••SECTION 472g. 778.25 (6) of the statutes, as affected by
24 1987 Wisconsin Act 27, is amended to read:

25 778.25 (6) The person receiving a deposit and stipulation of no contest
26 shall prepare a receipt in triplicate showing the purpose for which the
27 deposit is made, stating that the defendant may inquire at the office of the
28 clerk of court regarding the disposition of the deposit, and notifying the

1 defendant that if the stipulation of no contest is accepted by the court the
2 defendant will be considered to have submitted to a forfeiture, penalty
3 assessment and jail assessment plus costs, including any applicable fees pre-
4 scribed in ~~ss. 814.63 (1) and (2) and 814.635~~ ch. 814, not to exceed the
5 amount of the deposit. Delivery of the receipt shall be made in the same
6 manner as in sub. (5).

7 ••87b2697/1••SECTION 472h. 778.25 (8) (b) of the statutes, as affected by
8 1987 Wisconsin Act 27, is amended to read:

9 778.25 (8) (b) If the defendant has made a deposit, the citation may
10 serve as the initial pleading and the defendant shall be considered to have
11 tendered a plea of no contest and submitted to a forfeiture, penalty assess-
12 ment and jail assessment plus costs, including any applicable fees prescribed
13 in ~~ss. 814.63 (1) and (2) and 814.635~~ ch. 814, not exceeding the amount of the
14 deposit. The court may either accept the plea of no contest and enter judg-
15 ment accordingly, or reject the plea and issue a summons or arrest warrant,
16 except if the defendant is a minor the court shall proceed under s. 48.28.
17 Chapter 48 governs taking and holding a minor in custody. If the court
18 accepts the plea of no contest, the defendant may move within 90 days after
19 the date set for appearance to withdraw the plea of no contest, open the
20 judgment and enter a plea of not guilty if the defendant shows to the satis-
21 faction of the court that failure to appear was due to mistake, inadvertence,
22 surprise or excusable neglect. If a party is relieved from the plea of no
23 contest, the court or judge may order a written complaint or petition to be
24 filed. If on reopening the defendant is found not guilty, the court shall
25 delete the record of conviction and shall order the defendant's deposit
26 returned.

27 ••87b2697/1••SECTION 472i. 778.25 (8) (c) of the statutes, as affected by
28 1987 Wisconsin Act 27, is amended to read:

1 778.25 (8) (c) If the defendant has made a deposit and stipulation of no
2 contest, the citation serves as the initial pleading and the defendant shall
3 be considered to have tendered a plea of no contest and submitted to a
4 forfeiture, penalty assessment and jail assessment plus costs, including any
5 applicable fees prescribed in ~~ss. 814.63 (1) and (2) and 814.635~~ ch. 814, not
6 exceeding the amount of the deposit. The court may either accept the plea of
7 no contest and enter judgment accordingly, or reject the plea and issue a
8 summons or arrest warrant, except if the defendant is a minor the court shall
9 proceed under s. 48.28. Chapter 48 governs taking and holding a minor in
10 custody. After signing a stipulation of no contest, the defendant may, at any
11 time prior to or at the time of the court appearance date, move the court for
12 relief from the effect of the stipulation. The court may act on the motion,
13 with or without notice, for cause shown by affidavit and upon just terms, and
14 relieve the defendant from the stipulation and the effects of the stipulation.

15 ••87b2502/3••SECTION 472j. 779.14 (1) of the statutes is renumbered
16 779.14 (1m), and 779.14 (1m) (b) 2, as renumbered, is amended to read:

17 779.14 (1m) (b) 2. The bond shall carry a penalty of not less than the
18 contract price, and shall be conditioned for the all of the following:

19 a. The faithful performance of the contract and the

20 b. The payment to every person entitled thereto, including every subcon-
21 tractor or supplier, of all the claims that are entitled to payment for labor
22 performed and materials furnished under the contract, to be used or consumed
23 in for the purpose of making the public improvement or performing the public
24 work as provided in the contract and this subsection.

25 ••87b2502/3••SECTION 472k. 779.14 (1) of the statutes is created to read:

26 779.14 (1) In this section, "subcontractor or supplier" means the
27 following:

1 (a) Any person who has a direct contractual relationship, expressed or
2 implied, with the prime contractor or with any subcontractor of the prime
3 contractor to perform labor or furnish materials, except as provided in par.
4 (b).

5 (b) With respect to contracts entered into under s. 84.06 (2) for highway
6 improvements, any person who has a direct contractual relationship, expressed
7 or implied, with the prime contractor to perform labor or furnish materials.

8 ••87b2502/3••SECTION 472L. 779.14 (2) of the statutes is renumbered
9 779.14 (2) (a) and amended to read:

10 779.14 (2) (a) Not later than one year after the completion of work under
11 the contract, any party in interest, including any subcontractor or supplier,
12 may maintain an action in that party's name against the prime contractor and
13 the sureties upon the bond for the recovery of any damages sustained by reason
14 of the ~~failure~~ any of the following:

15 1. Failure of the prime contractor to comply with the contract ~~or with~~
16 ~~the contract between the prime contractor and subcontractors. If the amount~~
17 ~~realized on the bond is insufficient to satisfy all claims of the parties in~~
18 ~~full, it shall be distributed among the parties proportionally.~~

19 ••87b2502/3••SECTION 472m. 779.14 (2) (a) 2 and 3 and (b) of the statutes
20 are created to read:

21 779.14 (2) (a) 2. Except as provided in subd. 3, failure of the prime
22 contractor or a subcontractor of the prime contractor to comply with a
23 contract, whether express or implied, with a subcontractor or supplier for the
24 performance of labor or furnishing of materials for the purpose of making the
25 public improvement or performing the public work that is the subject of the
26 contract under sub. (1m).

27 3. With respect to contracts entered into under s. 84.06 (2) for highway
28 improvements, failure of the prime contractor to comply with a contract,

1 whether express or implied, with a subcontractor or supplier of the prime
2 contractor for the performance of labor or furnishing of materials for the
3 purpose of making the highway improvement that is the subject of the contract
4 under sub. (1m).

5 (b) If the amount realized on the bond is insufficient to satisfy all
6 claims of the parties in full, it shall be distributed among the parties
7 proportionally.

8 ••87b3200/1••SECTION 472ma. 779.41 (1) (c) (intro.) of the statutes is
9 amended to read:

10 779.41 (1) (c) (intro.) A motor vehicle not included under par. (a) or
11 (b) with a manufacturer's gross weight rating, including, with respect to road
12 tractors, a manufacturer's gross weight rating for the combined carrying
13 capacity of the tractor and trailer, of:

14 ••87b3371/1••SECTION 472mc. 809.80 (2) (b) of the statutes is amended to
15 read:

16 809.80 (2) (b) Any paper required or authorized to be served on the state
17 in appeals and other proceedings in felony cases in the court of appeals or
18 supreme court shall be served on the attorney general unless the district
19 attorney has been authorized under s. ~~59.47(7)~~ 978.05(5) to represent the
20 state. Any paper required or authorized to be served on the state in appeals
21 and other proceedings in misdemeanor cases decided by a single court of
22 appeals judge under s. 752.31 (2) and (3) shall be served on the district
23 attorney. Every petition for review by the supreme court of a decision of the
24 court of appeals in a misdemeanor case shall be served on the attorney
25 general.

26 ••87b3392/1••SECTION 472mj. 812.233 of the statutes, as created by 1987
27 Wisconsin Act 27, is repealed.

1 ••87b3032/1••SECTION 472mm. 814.60 (2) (cm) of the statutes is created to
2 read:

3 814.60 (2) (cm) Well contamination assessment imposed by s. 144.029;

4 ••87b3614/1••SECTION 472nb. 814.61 (1) (a) of the statutes, as affected
5 by 1987 Wisconsin Act (Assembly Bill 205), is amended to read:

6 814.61 (1) (a) At the commencement of all civil actions and special pro-
7 ceedings not specified in ss. 814.62 to 814.66, ~~§45~~ §60. Of the fees received
8 by the clerk under this paragraph, the county treasurer shall pay 50% to the
9 state treasurer for deposit in the general fund and shall retain the balance
10 for the use of the county.

11 ••87b3614/1••SECTION 472ng. 814.61 (1) (a) of the statutes, as affected
12 by 1987 Wisconsin Acts 27, (Assembly Bill 205) and (this act), is
13 repealed and recreated to read:

14 814.61 (1) (a) At the commencement of all civil actions and special pro-
15 ceedings not specified in ss. 814.62 to 814.66, \$60. Of the fees received by
16 the clerk under this paragraph, the county treasurer shall pay 50% to the
17 state treasurer for deposit in the general fund and shall retain the balance
18 for the use of the county.

19 ••87b3614/1••SECTION 472nj. 814.61 (1) (c) of the statutes, as created by
20 1987 Wisconsin Act (Assembly Bill 205), is amended to read:

21 814.61 (1) (c) Paragraphs (a) and (b) do not apply to any action to
22 determine paternity brought by the state or its delegate under s. 767.45 (1)
23 (g) or (h).

24 ••87b2697/1••SECTION 472p. 814.61 (3) of the statutes is amended to read:

25 814.61 (3) (title) THIRD-PARTY COMPLAINT. When any defendant files a ~~3rd~~
26 ~~party~~ 3rd-party complaint, the defendant shall pay a fee of ~~§35~~ §40. The
27 defendant shall pay only one such ~~§35~~ §40 fee in an action. Of the fees
28 received by the clerk under this subsection, the county treasurer shall pay

1 50% to the state treasurer for deposit in the general fund and shall retain
2 the balance for the use of the county.

3 ••87b2697/1••SECTION 472q. 814.61 (4) of the statutes is amended to read:
4 814.61 (4) JURY FEE. For a jury in all civil actions, except a garnish-
5 ment action under ch. 812, a nonrefundable fee of \$5 ~~\$6~~ per juror demanded to
6 hear the case to be paid by the party demanding a jury within the time per-
7 mitted to demand a jury trial. If the jury fee is not paid, no jury may be
8 called in the action, and the action may be tried to the court without a jury.

9 ••87b2697/1••SECTION 472r. 814.61 (5) (intro.) of the statutes is amended
10 to read:

11 814.61 (5) JUDGMENTS, WRITS, EXECUTIONS, LIENS, WARRANTS, AWARDS,
12 CERTIFICATES. (intro.) The clerk shall collect a fee of \$3 ~~\$5~~ for the
13 following:

14 ••87b2697/1••SECTION 472s. 814.61 (5) (b) of the statutes is amended to
15 read:

16 814.61 (5) (b) Filing and docketing judgments, transcripts of judgments,
17 liens, warrants and awards, including filing and docketing assignments or
18 satisfactions of judgments, liens or warrants, except as provided in par. (c).

19 ••87b2697/1••SECTION 472t. 814.61 (5) (c) of the statutes is created to
20 read:

21 814.61 (5) (c) Any act of the clerk relating to withdrawal, satisfaction
22 or voidance of a tax warrant under s. 71.13 (3) (fm).

23 ••87b2697/1••SECTION 472u. 814.61 (6) of the statutes is amended to read:

24 814.61 (6) FOREIGN JUDGMENTS. On filing a foreign judgment under s.
25 806.24, \$10 ~~\$15~~.

26 ••87b2697/1••SECTION 472v. 814.61 (7) (a) of the statutes, as affected by
27 1987 Wisconsin Act (Assembly Bill 205), is amended to read:

1 814.61 (7) (a) Except as provided in par. (b), upon the filing of any
2 petition under s. 767.32 (1) or any motion, by either party, for the revision
3 of a judgment in an action affecting the family, ~~\$25~~ \$30. Of the fees
4 received by the clerk under this paragraph, the county treasurer shall pay 50%
5 to the state treasurer for deposit in the general fund and shall retain the
6 balance for the use of the county.

7 ••87b2697/1••SECTION 472w. 814.61 (8) (a) 1 of the statutes is amended to
8 read:

9 814.61 (8) (a) 1. If the appeal or review is by certiorari or on the
10 record, ~~\$30~~ \$35.

11 ••87b2697/1••SECTION 472x. 814.61 (8) (a) 2 of the statutes is amended to
12 read:

13 814.61 (8) (a) 2. If a new trial is authorized and requested, ~~\$45~~ \$50.

14 ••87b2697/1••SECTION 472xm. 814.61 (9) of the statutes is amended to
15 read:

16 814.61 (9) TRANSMITTING DOCUMENTS. For certifying and transmitting
17 documents upon appeal, writ of error, change of venue, for enforcing real
18 estate judgments in other counties, or for enforcing judgments in other
19 states, ~~\$10~~ \$15 plus postage.

20 ••87b2697/1••SECTION 472y. 814.61 (10) of the statutes is amended to
21 read:

22 814.61 (10) COPIES. For copies, certified or otherwise, of any document
23 for which a specific fee is not established by this section, or for comparison
24 and attestation of copies not provided by the clerk, ~~\$1~~ \$1.25 per page.

25 ••87b2697/1••SECTION 472z. 814.61 (11) of the statutes is amended to
26 read:

27 814.61 (11) SEARCHES. For searching files or records to locate any one
28 action when the person requesting the same does not furnish the docket or file

1 number of the action, or to ascertain the existence or nonexistence of any
2 instrument or record in the clerk's custody, \$4 \$5.

3 ••87b2697/1••SECTION 472zb. 814.62 (1) of the statutes is amended to
4 read:

5 814.62 (1) GARNISHMENT ACTIONS. The fee for commencing a garnishment
6 action under ch. 812, including actions under s. 799.01 (4) (b), is ~~\$12~~ \$15.
7 Of the fees received by the clerk under this subsection, the county treasurer
8 shall pay 50% to the state treasurer for deposit in the general fund and shall
9 retain the balance for the use of the county.

10 ••87b2697/1••SECTION 472zc. 814.63 (1) of the statutes is amended to
11 read:

12 814.63 (1) In all forfeiture actions in circuit court, the clerk of court
13 shall collect a fee of ~~\$10~~ \$15 to be paid by the defendant when judgment is
14 entered against the defendant.

15 ••87b3032/1••SECTION 472zcm. 814.63 (3) (bm) of the statutes is created
16 to read:

17 814.63 (3) (bm) Well contamination assessment imposed by s. 144.029;

18 ••87b2697/1••SECTION 472zd. 814.63 (4) of the statutes is amended to
19 read:

20 814.63 (4) In forfeiture actions in which a municipality prevails, costs
21 and disbursements shall be allowed to the municipality subject only to sub.
22 (2) and such other limitation as the court may direct.

23 ••87b2697/1••SECTION 472zi. 814.65 (1) of the statutes is amended to
24 read:

25 814.65 (1) COURT COSTS. In a municipal court action, the municipal judge
26 shall collect a fee of ~~\$10~~ \$15 on each separate matter, whether it is on de-
27 fault of appearance, a plea of guilty or no contest, on issuance of a warrant
28 or summons or the action is tried as a contested matter. Of each ~~\$10~~ \$15 fee

1 received by the judge under this subsection, the municipal treasurer shall pay
2 monthly 50% to the state treasurer for deposit in the general fund and shall
3 retain the balance for the use of the municipality.

4 ••87b3371/1••SECTION 472zig. 880.295 (1) of the statutes is amended to
5 read:

6 880.295 (1) When a patient in any state or county hospital or mental
7 hospital or in any state institution for the mentally deficient, or a resident
8 of the county home or infirmary, appears in need of a guardian, and does not
9 have a guardian, the department of health and social services by its collec-
10 tion and deportation counsel, or the county corporation counsel ~~or district~~
11 ~~attorney if there is no corporation counsel~~, may apply to the circuit court of
12 the county in which the patient resided at the time of commitment or the cir-
13 cuit court of the county in which the facility in which the patient resides is
14 located for the appointment of a guardian of the person and estate, or either,
15 or for the appointment of a conservator of the estate, and the court, upon the
16 application, may appoint the guardian or conservator in the manner provided
17 for the appointment of guardians under ss. 880.08 (1) and 880.33 or for the
18 appointment of conservators under s. 880.31. If application is made by a
19 ~~district attorney or corporation counsel~~, a copy of the petition made to the
20 court shall be filed with the department of health and social services. If
21 application is made by a corporation counsel ~~or district attorney~~ for
22 appointment of a guardian of the estate of the patient or resident, or by the
23 patient or resident for appointment of a conservator of the patient's or
24 resident's estate, the court may designate the county as guardian or con-
25 servator if the court finds that no relative or friend is available to serve
26 as guardian or conservator and the county is not required to make or file any
27 oath or give any bond or security, except in the discretion of the court
28 making the appointment, as similarly provided under s. 223.03 (8) in the case

1 of the appointment of a trust company bank corporation. The court may place
2 any limitations upon the guardianship or conservatorship as it deems to be in
3 the best interest of the patient. Before any county employe administers the
4 funds of a person's estate of which the county has been appointed guardian or
5 conservator, the employe must be designated as securities agent in the
6 classified service of the county, and the employe's designation as securities
7 agent shall appear on all court papers which the security agent signs in the
8 name of the county as guardian or conservator. The securities agent, before
9 entering upon the duties, shall also furnish an official bond in such amount
10 and with such sureties as the county board determines, subject to the prior
11 approval of the amount by the court assigned to exercise jurisdiction. The
12 bond shall be filed in the office of the register in probate, and a duplicate
13 original thereof filed in the office of the county clerk. A conservatorship
14 under this section shall be terminated by the court upon discharge of the
15 patient unless application for continued conservatorship is made. The super-
16 intendent or director of the facility shall notify the court of the discharge
17 of a patient for whom a guardian or conservator has been appointed under this
18 subsection.

19 ••87b3501/1••SECTION 472zj. 885.235 (1) (intro.) of the statutes, as
20 affected by 1987 Wisconsin Act 3, is amended to read:

21 885.235 (1) (intro.) In any action or proceeding in which it is material
22 to prove that a person was under the influence of an intoxicant or had a blood
23 alcohol concentration of 0.1% or more while operating or driving a motor
24 vehicle, while operating a motorboat, except a sailboat operating under sail
25 alone, while operating a snowmobile, while operating an all-terrain vehicle or
26 while handling a firearm, evidence of the amount of alcohol in the person's
27 blood at the time in question, as shown by chemical analysis of a sample of
28 the person's blood or urine or evidence of the amount of alcohol in the

1 person's breath, is admissible on the issue of whether he or she was under the
2 influence of an intoxicant or had a blood alcohol concentration of 0.1% or
3 more if the sample was taken within 3 hours after the event to be proved. The
4 chemical analysis shall be given effect as follows without requiring any
5 expert testimony as to its effect:

6 ••87b3501/1••SECTION 472zk. 885.235 (1m) of the statutes is amended to
7 read:

8 885.235 (1m) In any action under s. 23.33 (4c) (a) 3, 346.63 (2m) or
9 350.101 (1) (c), evidence of the amount of alcohol in the person's blood at
10 the time in question, as shown by chemical analysis of a sample of the
11 person's blood or urine or evidence of the amount of alcohol in the person's
12 breath, is admissible on the issue of whether he or she had a blood alcohol
13 concentration in the range specified in s. 23.33 (4c) (a) 3, 346.63 (2m) or
14 350.101 (1) (c) if the sample was taken within 3 hours after the event to be
15 proved. The fact that the analysis shows that there was more than 0.0% but
16 not more than 0.1% by weight of alcohol in the person's blood or more than 0.0
17 grams but not more than 0.1 grams of alcohol in 210 liters of the person's
18 breath is prima facie evidence that the person had a blood alcohol concen-
19 tration in the range specified in s. 23.33 (4c) (a) 3, 346.63 (2m) or 350.101
20 (1) (c).

21 ••87b3710/3••SECTION 472zkag. 885.365 (1) of the statutes is amended to
22 read:

23 885.365 (1) Evidence obtained as the result of the use of voice recording
24 equipment for recording of telephone conversations, by way of interception of
25 a communication or in any other manner, shall be totally inadmissible in the
26 courts of this state in civil actions, except as provided in ss. 968.28 to
27 968.33 968.37.

28 ••87b3401/1••SECTION 472zkb. 891.45 of the statutes is amended to read:

1 891.45 PRESUMPTION OF EMPLOYMENT CONNECTED DISEASE. In any proceeding
2 involving the application by a municipal fire fighter or his or her benefi-
3 ciary for disability or death benefits under s. 40.65 (2) or 66.191, 1981
4 stats., or any pension or retirement system applicable to fire fighters, where
5 at the time of death or filing of application for disability benefits the
6 deceased or disabled fire fighter had served a total of 5 years as a fire
7 fighter and a qualifying medical examination given prior to the time of his or
8 her joining the department showed no evidence of heart or respiratory impair-
9 ment or disease, and where the disability or death is found to be caused by
10 heart or respiratory impairment or disease, such finding shall be presumptive
11 evidence that such impairment or disease was caused by such employment. In
12 this section, "municipal fire fighter" includes any person designated as pri-
13 marily a fire fighter under s. 61.66 (2) and any person under s. 61.66 whose
14 duties as a fire fighter during the 5-year qualifying period took up at least
15 two-thirds of his or her working hours.

16 ••87b3711/1••SECTION 472zkba. 893.137 of the statutes is created to read:

17 893.137 TOLLING OF STATUTE OF LIMITATIONS FOR CERTAIN TIME-SHARE ACTIONS.

18 Any statute of limitations affecting the right of an association organized
19 under s. 707.30 (2) or a time-share owner, as defined in s. 707.02 (31),
20 against a developer, as defined in s. 707.02 (11), is tolled as provided in s.
21 707.34 (1) (bm).

22 ••87b3710/3••SECTION 472zkbb. 895.01 (1) of the statutes is amended to
23 read:

24 895.01 (1) In addition to the causes of action which survive at common
25 law, the following shall also survive: Causes causes of action for the
26 recovery of personal property or the unlawful withholding or conversion of
27 personal property, for the recovery of the possession of real estate and for
28 the unlawful withholding of the possession of real estate, for assault and

1 battery, false imprisonment, invasion of privacy, violation of s. 968.31 ~~(2)~~
2 ~~(d)~~ (2m) or other damage to the person, for all damage done to the property
3 rights or interests of another, for goods taken and carried away, for damages
4 done to real or personal estate, equitable actions to set aside conveyances of
5 real estate, to compel a reconveyance of real estate, or to quiet the title to
6 real estate, and for a specific performance of contracts relating to real
7 estate. Causes of action for wrongful death shall survive the death of the
8 wrongdoer whether or not the death of the wrongdoer occurred before or after
9 the death of the injured person.

10 ••87b3710/3••SECTION 472zkbc. 895.50 (7) of the statutes is amended to
11 read:

12 895.50 (7) No action for invasion of privacy may be maintained under this
13 section if the claim is based on an act which is permissible under ss. 968.27
14 to ~~968.33~~ 968.37.

15 ••87b3674/1••SECTION 472zkbd. 939.20 of the statutes is amended to read:
16 939.20 PROVISIONS WHICH APPLY ONLY TO CHAPTERS 939 TO 948. Sections
17 939.22 ~~and 939.23~~ to 939.25 apply only to crimes defined in chs. 939 to 948.
18 Other sections in ch. 939 apply to crimes defined in other chapters of the
19 statutes as well as to those defined in chs. 939 to 948.

20 ••87b3674/1••SECTION 472zkbe. 939.22 (14) of the statutes is amended to
21 read:

22 939.22 (14) "Great bodily harm" means bodily injury which creates a high
23 ~~probability~~ substantial risk of death, or which causes serious permanent
24 disfigurement, or which causes a permanent or protracted loss or impairment of
25 the function of any bodily member or organ or other serious bodily injury.

26 ••87b3674/1••SECTION 472zkbf. 939.23 (3) and (4) of the statutes are
27 amended to read:

1 939.23 (3) "Intentionally" means that the actor either has a purpose to
2 do the thing or cause the result specified, ~~or believes that his act, if~~
3 ~~successful, will~~ is aware that his or her conduct is practically certain to
4 cause that result. In addition, except as provided in sub. (6), the actor must
5 have knowledge of those facts which are necessary to make his or her conduct
6 criminal and which are set forth after the word "intentionally".

7 (4) "With intent to" or "with intent that" means that the actor either
8 has a purpose to do the thing or cause the result specified, ~~or believes that~~
9 ~~his act, if successful, will~~ is aware that his or her conduct is practically
10 certain to cause that result.

11 ••87b3674/1••SECTION 472zkgb. 939.24 of the statutes is created to read:

12 939.24 CRIMINAL RECKLESSNESS. (1) In this section, "criminal
13 recklessness" means that the actor creates an unreasonable and substantial
14 risk of death or great bodily harm to another human being and the actor is
15 aware of that risk.

16 (2) If criminal recklessness is an element of a crime in chs. 939 to 948,
17 the recklessness is indicated by the term "reckless" or "recklessly".

18 (3) A voluntarily produced intoxicated or drugged condition is not a
19 defense to liability for criminal recklessness if, had the actor not been in
20 that condition, he or she would have been aware of creating an unreasonable
21 and substantial risk of death or great bodily harm to another human being.

22 ••87b3674/1••SECTION 472zkbh. 939.25 of the statutes is created to read:

23 939.25 CRIMINAL NEGLIGENCE. (1) In this section, "criminal negligence"
24 means ordinary negligence to a high degree, consisting of conduct which the
25 actor should realize creates a substantial and unreasonable risk of death or
26 great bodily harm to another.

27 (2) If criminal negligence is an element of a crime in chs. 939 to 948 or
28 s. 346.62, the negligence is indicated by the term "negligent".

1 ••87b3674/1••SECTION 472zkbj. 939.42 (2) of the statutes is amended to
2 read:

3 939.42 (2) Negatives the existence of a state of mind essential to the
4 crime, except as provided in s. 939.24 (3).

5 ••87b3674/1••SECTION 472zkbj. 939.44 of the statutes is created to read:
6 939.44 ADEQUATE PROVOCATION. (1) In this section:

7 (a) "Adequate" means sufficient to cause complete lack of self-control in
8 an ordinarily constituted person.

9 (b) "Provocation" means something which the defendant reasonably believes
10 the intended victim has done which causes the defendant to lack self-control
11 completely at the time of causing death.

12 (2) Adequate provocation is an affirmative defense only to first-degree
13 intentional homicide and mitigates that offense to 2nd-degree intentional
14 homicide.

15 ••87b3674/1••SECTION 472zkbk. 939.46 (1) of the statutes is amended to
16 read:

17 939.46 (1) A threat by a person other than the actor's coconspirator
18 which causes the actor reasonably to believe that his or her act is the only
19 means of preventing imminent death or great bodily harm to himself the actor
20 or another and which causes him or her so to act is a defense to a prosecution
21 for any crime based on that act, except that if the prosecution is for murder
22 first-degree intentional homicide, the degree of the crime is reduced to man-
23 slaughter 2nd-degree intentional homicide.

24 ••87b3674/1••SECTION 472zkbL. 939.47 of the statutes is amended to read:

25 939.47 NECESSITY. Pressure of natural physical forces which causes the
26 actor reasonably to believe that his or her act is the only means of prevent-
27 ing imminent public disaster, or imminent death or great bodily harm to him-
28 self the actor or another and which causes him or her so to act, is a defense

1 to a prosecution for any crime based on that act, except that if the prose-
2 cution is for murder first-degree intentional homicide, the degree of the
3 crime is reduced to manslaughter 2nd-degree intentional homicide.

4 ••87b3674/1••SECTION 472zkbm. 939.48 (3) of the statutes is amended to
5 read:

6 939.48 (3) The privilege of self-defense extends not only to the inten-
7 tional infliction of harm upon a real or apparent wrongdoer, but also to the
8 unintended infliction of harm upon a ~~third~~ 3rd person, except that if such the
9 unintended infliction of harm amounts to the crime of ~~injury by conduct~~
10 ~~regardless of life, injury by negligent use of weapon, homicide by reckless~~
11 ~~conduct or homicide by negligent use of vehicle or weapon~~ first-degree or
12 2nd-degree reckless homicide, homicide by negligent handling of dangerous
13 weapon, explosives or fire, first-degree or 2nd-degree reckless injury or
14 injury by negligent handling of dangerous weapon, explosives or fire, the
15 actor is liable for whichever one of those crimes is committed.

16 ••87b3674/1••SECTION 472zkc. 939.74 (2) (a) of the statutes is amended
17 to read:

18 939.74 (2) (a) A prosecution ~~for murder~~ under s. 940.01, 940.02 or 940.03
19 may be commenced at any time;

20 ••87b3674/1••SECTION 472zkc. 940.01 of the statutes is repealed and re-
21 created to read:

22 940.01 FIRST-DEGREE INTENTIONAL HOMICIDE. (1) OFFENSE. Except as pro-
23 vided in sub. (2), whoever causes the death of another human being with intent
24 to kill that person or another is guilty of a Class A felony.

25 (2) MITIGATING CIRCUMSTANCES. The following are affirmative defenses to
26 prosecution under this section which mitigate the offense to 2nd-degree
27 intentional homicide under s. 940.05:

1 (a) Adequate provocation. Death was caused under the influence of ade-
2 quate provocation as defined in s. 939.44.

3 (b) Unnecessary defensive force. Death was caused because the actor
4 believed he or she or another was in imminent danger of death or great bodily
5 harm and that the force used was necessary to defend the endangered person, if
6 either belief was unreasonable.

7 (c) Prevention of felony. Death was caused because the actor believed
8 that the force used was necessary in the exercise of the privilege to prevent
9 or terminate the commission of a felony, if that belief was unreasonable.

10 (d) Coercion; necessity. Death was caused in the exercise of a privilege
11 under s. 939.45 (1).

12 (3) BURDEN OF PROOF. When the existence of an affirmative defense under
13 sub. (2) has been placed in issue by the trial evidence, the state must prove
14 beyond a reasonable doubt that the facts constituting the defense did not
15 exist in order to sustain a finding of guilt under sub. (1).

16 ••87b3674/1••SECTION 472zkco. 940.02 of the statutes, as affected by 1987
17 Wisconsin Act (Assembly Bill 662), is repealed and recreated to read:

18 940.02 FIRST-DEGREE RECKLESS HOMICIDE. (1) Whoever recklessly causes
19 the death of another human being under circumstances which show utter disre-
20 gard for human life is guilty of a Class B felony.

21 (2) Whoever causes the death of another human being under any of the
22 following circumstances is guilty of a Class B felony:

23 (a) By manufacture or delivery of a controlled substance classified in
24 schedule I or II under ch. 161 in violation of s. 161.41 which another human
25 being uses and dies as a result of that use. This paragraph applies:

26 1. Whether the human being dies as a result of using the controlled sub-
27 stance by itself or with any compound, mixture, diluent or other substance
28 mixed or combined with the controlled substance.

1 2. Whether or not the controlled substance is mixed or combined with any
2 compound, mixture, diluent or other substance after the violation of s. 161.41
3 occurs.

4 3. To any delivery described in this paragraph, regardless of whether the
5 delivery is made directly to the human being who dies. If possession of the
6 controlled substance classified in schedule I or II under ch. 161 is trans-
7 ferred more than once prior to the death as described in this paragraph, each
8 person who delivers the controlled substance in violation of s. 161.41 is
9 guilty under this paragraph.

10 (b) By administering or assisting in administering a controlled substance
11 classified in schedule I or II under ch. 161, without lawful authority to do
12 so, to another human being and that human being dies as a result of the use of
13 the substance. This paragraph applies whether the human being dies as a
14 result of using the controlled substance by itself or with any compound,
15 mixture, diluent or other substance mixed or combined with the controlled
16 substance.

17 ••87b3674/1••SECTION 472zkcp. 940.03 of the statutes is created to read:
18 940.03 FELONY MURDER. Whoever causes the death of another human being
19 while committing or attempting to commit a crime specified in s. 940.225 (1)
20 or (2) (a), 943.02, 943.10 (2) or 943.32 (2) may be imprisoned for not more
21 than 20 years in excess of the maximum period of imprisonment provided by law
22 for that crime or attempt.

23 ••87b3674/1••SECTION 472zkcq. 940.05 of the statutes is repealed and re-
24 created to read:

25 940.05 SECOND-DEGREE INTENTIONAL HOMICIDE. (1) Whoever causes the death
26 of another human being with intent to kill that person or another is guilty of
27 a Class B felony if:

1 (a) In prosecutions under s. 940.01, the state fails to prove beyond a
2 reasonable doubt that the mitigating circumstances specified in s. 940.01 (2)
3 did not exist as required by s. 940.01 (3); or

4 (b) The state concedes that it is unable to prove beyond a reasonable
5 doubt that the mitigating circumstances specified in s. 940.01 (2) did not
6 exist. By charging under this section, the state so concedes.

7 (2) In prosecutions under this section, it is sufficient to allege and
8 prove that the defendant caused the death of another human being with intent
9 to kill that person or another.

10 (3) The mitigating circumstances specified in s. 940.01 (2) are not
11 defenses to prosecution for this offense.

12 ••87b3674/1••SECTION 472zkc. 940.06 of the statutes is repealed and re-
13 created to read:

14 940.06 SECOND-DEGREE RECKLESS HOMICIDE. Whoever recklessly causes the
15 death of another human being is guilty of a Class C felony.

16 ••87b3674/1••SECTION 472zks. 940.08 (1) of the statutes is renumbered
17 940.08 and amended to read:

18 940.08 (title) HOMICIDE BY NEGLIGENT HANDLING OF DANGEROUS WEAPON,
19 EXPLOSIVES OR FIRE. Whoever causes the death of another human being by a ~~high~~
20 ~~degree of negligence in the negligent operation or handling of a vehicle,~~
21 ~~firearm, airgun, knife or bow and arrow~~ dangerous weapon, explosives or fire
22 is guilty of a Class D felony.

23 ••87b3674/1••SECTION 472zkt. 940.08 (2) of the statutes is repealed.

24 ••87b3501/1••SECTION 472zkd. 940.09 (1) (c) and (3) of the statutes are
25 amended to read:

26 940.09 (1) (c) A person may be charged with and a prosecutor may proceed
27 upon an information based upon a violation of par. (a) or (b) or both for acts
28 arising out of the same incident or occurrence. If the person is charged with

1 violating both pars. (a) and (b) in the information, the crimes shall be
2 joined under s. 971.12. If the person is found guilty of both pars. (a) and
3 (b) for acts arising out of the same incident or occurrence, there shall be a
4 single conviction for purposes of sentencing and for purposes of counting
5 convictions under s. 23.33 (13) (b) 2 and 3, under s. 30.80 (6) (a) 2 and 3
6 ~~and counting convictions, under ss. 343.30 (1q) and 343.305 or under s. 350.11~~
7 (3) (a) 2 and 3. Paragraphs (a) and (b) each require proof of a fact for
8 conviction which the other does not require.

9 (3) An officer who makes an arrest for a violation of this section shall
10 make a report as required under s. 23.33 (4t), 30.686 ex, 346.635 or 350.106.

11 ••87b3674/1••SECTION 472zkg. 940.10 of the statutes is created to read:

12 940.10 HOMICIDE BY NEGLIGENT OPERATION OF VEHICLE. Whoever causes the
13 death of another human being by the negligent operation or handling of a
14 vehicle is guilty of a Class E felony.

15 ••87b3674/1••SECTION 472zkh. 940.19 (3) (intro.) of the statutes is
16 amended to read:

17 940.19 (3) (intro.) Whoever intentionally causes bodily harm to another
18 by conduct which creates a high probability of great bodily harm is guilty of
19 a Class E felony. A rebuttable presumption of conduct creating a ~~high proba-~~
20 bility substantial risk of great bodily harm arises:

21 ••87b3674/1••SECTION 472zki. 940.23 of the statutes is repealed and re-
22 created to read:

23 940.23 RECKLESS INJURY. (1) FIRST-DEGREE RECKLESS INJURY. Whoever
24 recklessly causes great bodily harm to another human being under circumstances
25 which show utter disregard for human life is guilty of a Class C felony.

26 (2) SECOND-DEGREE RECKLESS INJURY. Whoever recklessly causes great
27 bodily harm to another human being is guilty of a Class D felony.

1 ••87b3674/1••SECTION 472zjk. 940.24 (1) of the statutes is renumbered
2 940.24 and amended to read:

3 940.24 (title) INJURY BY NEGLIGENT HANDLING OF DANGEROUS WEAPON, EXPLO-
4 SIVES OR FIRE. Whoever causes bodily harm to another by ~~a high degree of~~
5 ~~negligence in the negligent~~ operation or handling of a firearm, ~~airgun, knife~~
6 ~~or bow and arrow,~~ dangerous weapon, explosives or fire is guilty of a Class E
7 felony.

8 ••87b3674/1••SECTION 472zkk. 940.24 (2) of the statutes is repealed.

9 ••87b3674/1••SECTION 472zkkb. 940.245 of the statutes is repealed.

10 ••87b3501/1••SECTION 472zkl. 940.25 (1) (c) and (3) of the statutes are
11 amended to read:

12 940.25 (1) (c) A person may be charged with and a prosecutor may proceed
13 upon an information based upon a violation of par. (a) or (b) or both for acts
14 arising out of the same incident or occurrence. If the person is charged with
15 violating both pars. (a) and (b) in the information, the crimes shall be
16 joined under s. 971.12. If the person is found guilty of both pars. (a) and
17 (b) for acts arising out of the same incident or occurrence, there shall be a
18 single conviction for purposes of sentencing and for purposes of counting
19 convictions under s. 23.33 (13) (b) 2 and 3, under s. 30.80 (6) (a) 2 or 3 and
20 ~~counting convictions,~~ under ss. 343.30 (1q) and 343.305 or under s. 350.11 (3)
21 (a) 2 and 3. Paragraphs (a) and (b) each require proof of a fact for convic-
22 tion which the other does not require.

23 (3) An officer who makes an arrest for a violation of this section shall
24 make a report as required under s. 23.33 (4t), 30.686 or, 346.635 or 350.106.

25 ••87b3674/1••SECTION 472zklc. 941.01 (2) of the statutes is repealed.

26 ••87b3674/1••SECTION 472zklD. 941.01 (3) of the statutes is renumbered
27 941.01 (2) and amended to read:

1 941.01 (2) Upon conviction hereunder under sub. (1), no revocation or
2 suspension of an operator's license shall may follow.

3 ••87b3674/1••SECTION 472zkLe. 941.03 of the statutes is repealed.

4 ••87b3674/1••SECTION 472zkLf. 941.04 of the statutes is repealed.

5 ••87b3674/1••SECTION 472zkLg. 941.10 (2) of the statutes is amended to
6 read:

7 941.10 (2) Burning material is handled in a highly negligent manner if,
8 handled with criminal negligence under s. 939.25 or under the circumstances,
9 in which the person should realize that ~~he creates an~~ a substantial and
10 unreasonable risk and high probability of death or great bodily harm to
11 ~~another or~~ serious damage to another's property is created.

12 ••87b3674/1••SECTION 472zkLh. 941.20 (title) and (1) (a) of the statutes
13 are amended to read:

14 941.20 (title) ENDANGERING SAFETY BY USE OF DANGEROUS WEAPON. (1) (a)
15 Endangers another's safety by ~~reckless conduct in~~ the negligent operation or
16 handling of a ~~firearm, airgun, knife or bow and arrow~~ dangerous weapon; or

17 ••87b3674/1••SECTION 472zkLi. 941.20 (3) of the statutes is repealed.

18 ••87b3366/1••SECTION 472zkr. 941.237 of the statutes is created to read:

19 941.237 POSSESSING LOADED FIREARM WHILE ON A HIGHWAY. (1) Whoever
20 knowingly possesses a loaded firearm while on a highway, as defined in s.
21 340.01 (22), in any city or village is guilty of a Class A misdemeanor.

22 (2) Subsection (1) does not apply to peace officers or armed forces or
23 military personnel who go armed in the line of duty or to any person duly
24 authorized by the chief of police of any city or the sheriff of any county to
25 possess a firearm under the circumstances described under sub. (1).

26 ••87b3674/1••SECTION 472zktb. 941.30 of the statutes is repealed and re-
27 created to read:

1 941.30 RECKLESSLY ENDANGERING SAFETY. (1) FIRST-DEGREE RECKLESSLY
2 ENDANGERING SAFETY. Whoever recklessly endangers another's safety under
3 circumstances which show utter disregard for human life is guilty of a Class D
4 felony.

5 (2) SECOND-DEGREE RECKLESSLY ENDANGERING SAFETY. Whoever recklessly
6 endangers another's safety is guilty of a Class E felony.

7 ••87b3674/1••SECTION 472zktc. 943.01 (2) (a) of the statutes is renun-
8 bered 943.01 (2) (a) 2 and amended to read:

9 943.01 (2) (a) 2. The property damaged is a vehicle or highway as defined
10 ~~in s. 941.03 (2)~~ and the damage is of a kind which is likely to cause injury
11 to a person or further property damage; or

12 ••87b3674/1••SECTION 472zktd. 943.01 (2) (a) 1 of the statutes is created
13 to read:

14 943.01 (2) (a) 1. In this paragraph, "highway" means any public way or
15 thoroughfare, including bridges thereon, any roadways commonly used for
16 vehicular traffic, whether public or private, any railroad, including street
17 and interurban railways, and any navigable waterway or airport.

18 ••87b3674/1••SECTION 472zkte. 943.70 (2) (b) 4 and (3) (b) 4 of the
19 statutes are amended to read:

20 943.70 (2) (b) 4. A Class C felony if the offense creates a ~~situation of~~
21 substantial and unreasonable risk and high probability of death or great
22 bodily harm to another.

23 (3) (b) 4. A Class C felony if the offense creates a ~~situation of sub-~~
24 stantial and unreasonable risk and high probability of death or great bodily
25 harm to another.

26 ••87b3723/2••SECTION 472zktog. 944.21 of the statutes is repealed and
27 recreated to read:

28 944.21 HARD-CORE OBSCENE MATERIAL. (1) In this section:

1 (a) "Community" means this state.

2 (b) "Hard-core sexual conduct" means the commission of any of the
3 following: sadomasochistic abuse, bestiality or necrophilia.

4 (c) "Obscene material" means a picture, sound recording or film which:

5 1. The average person, applying contemporary community standards, would
6 find appeals to the prurient interest if taken as a whole;

7 2. Under contemporary community standards, describes or shows hard-core
8 sexual conduct in a patently offensive way; and

9 3. Lacks serious literary, artistic, political, educational or scientific
10 value, if taken as a whole.

11 (2) Any person who, with knowledge of the character or content of the
12 material, does any of the following is guilty of a Class D felony:

13 (a) Sells, offers for sale or commercially exhibits obscene material.

14 (b) Possesses obscene material with the intent to sell, offer for sale or
15 commercially exhibit that material.

16 (3) Each day a violation under sub. (2) continues constitutes a separate
17 violation under this section.

18 (4) A district attorney may submit a case for review under s. 165.25
19 (3m). No criminal action may be commenced against any person under sub. (2)
20 unless the attorney general determines under s. 165.25 (3m) that the action
21 may be commenced.

22 (5) (a) The legislature finds that the libraries and educational insti-
23 tutions under par. (b) carry out the essential purpose of making available to
24 all citizens a current, balanced collection of books, reference materials,
25 periodicals, sound recordings and audio-visual materials that reflect the
26 cultural diversity and pluralistic nature of American society. The legis-
27 lature further finds that it is in the interest of the state to protect the
28 financial resources of libraries and educational institutions from being