

1999 ASSEMBLY BILL 211

March 16, 1999 – Introduced by Representatives MUSSER, SYKORA, ALBERS, LASSA, BRANDEMUEHL, SPILLNER, HUBER, KELSO and GOETSCH, cosponsored by Senators MOEN and FARROW. Referred to Committee on Criminal Justice.

1 **AN ACT to amend** 753.40, 755.20, 973.06 (1) (f) and 973.09 (1x); and **to create**
2 757.17, 778.027 and 967.057 of the statutes; **relating to:** contributions to crime
3 prevention organizations.

Analysis by the Legislative Reference Bureau

Under current law, a court may require a person who violates certain ordinances or who commits a crime to make a contribution to a crime prevention organization if the court determines that the person has the financial ability to make the contribution. If the case involves an ordinance violation, the contribution ordered may not exceed the maximum amount of the forfeiture that may be imposed for the violation. If the case involves a criminal offense, the contribution ordered must be reasonable and appropriate.

This bill prohibits a court from ordering a contribution to a crime prevention organization if the organization fails to annually report to the clerk of the court the amount of all contributions received during the preceding year, the names of contributors, the use of the contributions, the balance of the contributions remaining and the name and officers of the crime prevention organization. The bill also requires that the contributions be paid to the clerk of the court that ordered the contribution for distribution to the crime prevention organization. The bill prohibits the

ASSEMBLY BILL 211

prosecutor from dismissing or amending a citation, complaint or charge in exchange for a person's payment of a contribution to a crime prevention organization.

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

1 **SECTION 1.** 753.40 of the statutes is amended to read:

2 **753.40 Contributions to crime prevention organizations.** ~~A~~ If a circuit
3 court may require finds in a forfeiture action that a person ~~violating~~ violated an
4 ordinance that prohibits conduct that is the same as or similar to conduct prohibited
5 by state statute punishable by fine or imprisonment, the circuit court may require
6 the person to make a contribution not to exceed the maximum amount of the
7 forfeiture which may be levied to a crime prevention organization if the court
8 determines that the violator has the financial ability to make the contribution. All
9 contributions made under this section shall be made to the clerk of circuit court for
10 distribution to the crime prevention organization. The circuit court may not require
11 a person to make a contribution under this section to a crime prevention organization
12 that has not complied with the provisions of s. 757.17.

13 **SECTION 2.** 755.20 of the statutes is amended to read:

14 **755.20 Contributions to crime prevention organizations.** ~~A~~ If a
15 municipal court may require finds in a forfeiture action that a person ~~violating~~
16 violated an ordinance that prohibits conduct that is the same as or similar to conduct
17 prohibited by state statute punishable by fine or imprisonment, the municipal court
18 may require the person to make a contribution not to exceed the maximum amount
19 of the forfeiture which may be levied to a crime prevention organization if the court
20 determines that the violator has the financial ability to make the contribution. All
21 contributions made under this section shall be made to the municipal court for

ASSEMBLY BILL 211

1 distribution to the crime prevention organization. The municipal court may not
2 require a person to make a contribution under this section to a crime prevention
3 organization that has not complied with the provisions of s. 757.17.

4 **SECTION 3.** 757.17 of the statutes is created to read:

5 **757.17 Crime prevention organization reporting.** Every organization
6 that receives contributions under s. 753.40, 755.20, 973.06 (1) (f) or 973.09 (1x) shall
7 submit a report annually by February 1 to the clerk of the court that ordered the
8 contribution. The report shall be on a form designed and provided by the director of
9 state courts and shall include all of the following information for the calendar year
10 preceding the submittal of the report:

11 (1) The amount of contributions received.

12 (2) The names of the persons who made the contributions.

13 (3) The expenditures made with the contributions.

14 (4) The balance of the contributions remaining.

15 (5) The name of the organization that received the contribution and the names
16 of the officers of the organization.

17 **SECTION 4.** 778.027 of the statutes is created to read:

18 **778.027 Dismissals for contributions to crime prevention**
19 **organizations.** A prosecutor or an attorney representing the state or a political
20 subdivision of the state may not dismiss or amend a citation or complaint alleging
21 a violation that will result in a forfeiture in exchange for a person's payment of a
22 contribution to a crime prevention organization.

23 **SECTION 5.** 967.057 of the statutes is created to read:

24 **967.057 Dismissals for contributions to crime prevention**
25 **organizations.** A prosecutor may not dismiss or amend a charge alleging a criminal

ASSEMBLY BILL 211

1 offense in exchange for a person's payment of a contribution to a crime prevention
2 organization.

3 **SECTION 6.** 973.06 (1) (f) of the statutes is amended to read:

4 973.06 (1) (f) An amount determined by the court to make a reasonable
5 contribution to a crime prevention organization, if the court determines that the
6 person has the financial ability to make the contribution and the contribution is
7 appropriate. All contributions made under this paragraph shall be made to the clerk
8 of circuit court for distribution to the crime prevention organization. The court may
9 not order a person to make a contribution under this paragraph to a crime prevention
10 organization that has not complied with the provisions of s. 757.17.

11 **SECTION 7.** 973.09 (1x) of the statutes is amended to read:

12 973.09 (1x) If the court places a person on probation, the court may require that
13 the probationer make a contribution to a crime prevention organization if the court
14 determines that the probationer has the financial ability to make the contribution.
15 All contributions made under this subsection shall be made to the clerk of circuit
16 court for distribution to the crime prevention organization. The court may not
17 require a person to make a contribution under this subsection to a crime prevention
18 organization that has not complied with the provisions of s. 757.17.

19 (END)