

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 211**

June 1, 1999 – Offered by Representatives GOETSCH and MUSSER.

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.

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

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

5 **753.40 Contributions to crime prevention organizations.** ~~A~~ If a circuit
6 court may require finds in a forfeiture action that a person ~~violating~~ violated an
7 ordinance that prohibits conduct that is the same as or similar to conduct prohibited
8 by state statute punishable by fine or imprisonment, the circuit court may require
9 the person to make a contribution not to exceed the maximum amount of the
10 forfeiture ~~which~~ that may be levied to a crime prevention organization if the court
11 determines that the violator has the financial ability to make the contribution. If the
12 court does require a person to make a contribution to a crime prevention organization

1 but does not require the person to pay a forfeiture or court costs, the court shall state
2 on the record the reasons why it is not requiring the person to pay the forfeiture or
3 court costs. All contributions made under this section shall be made to the clerk of
4 circuit court for distribution to the crime prevention organization. The circuit court
5 may not require a person to make a contribution under this section to a crime
6 prevention organization that has not complied with the provisions of s. 757.17.

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

8 **755.20 Contributions to crime prevention organizations.** ~~A~~ If a
9 municipal court may require ~~finds in a forfeiture action that~~ a person violating
10 violated an ordinance that prohibits conduct that is the same as or similar to conduct
11 prohibited by state statute punishable by fine or imprisonment, the municipal court
12 may require the person to make a contribution not to exceed the maximum amount
13 of the forfeiture ~~which~~ that may be levied to a crime prevention organization if the
14 court determines that the violator has the financial ability to make the contribution.
15 If the court does require a person to make a contribution to a crime prevention
16 organization but does not require the person to pay a forfeiture or court costs, the
17 court shall state on the record the reasons why it is not requiring the person to pay
18 the forfeiture or court costs. All contributions made under this section shall be made
19 to the municipal court for distribution to the crime prevention organization. The
20 municipal court may not require a person to make a contribution under this section
21 to a crime prevention organization that has not complied with the provisions of s.
22 757.17.

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

24 **757.17 Crime prevention organization reporting.** Every organization
25 that receives contributions under s. 753.40, 755.20, 973.06 (1) (f) or 973.09 (1x) shall

1 submit a report annually by February 1 to the clerk of the court that ordered the
2 contribution. The report shall be on a form designed and provided by the director of
3 state courts and shall include all of the following information for the calendar year
4 preceding the submittal of the report:

5 (1) The amount of contributions received.

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

7 (3) The expenditures made with the contributions.

8 (4) The balance of the contributions remaining.

9 (5) The name of the organization that received the contribution and the names
10 of the officers of the organization.

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

12 **778.027 Dismissals for contributions to crime prevention**
13 **organizations.** A prosecutor or an attorney representing the state or a political
14 subdivision of the state may not, in exchange for a person's payment of a contribution
15 to a crime prevention organization, dismiss or amend a citation or complaint alleging
16 a violation that provides for a forfeiture.

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

18 **967.057 Dismissals for contributions to crime prevention**
19 **organizations.** A prosecutor may not, in exchange for a person's payment of a
20 contribution to a crime prevention organization, dismiss or amend a charge alleging
21 a criminal offense.

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

23 973.06 (1) (f) An amount determined by the court to make a reasonable
24 contribution to a crime prevention organization, if the court determines that the
25 person has the financial ability to make the contribution and the contribution is

1 appropriate. If the court does require a person to make a contribution to a crime
2 prevention organization but does not require the person to pay any fine that may be
3 imposed for the offense or court costs, the court shall state on the record the reasons
4 why it is not requiring the person to pay the fine or court costs. All contributions
5 made under this paragraph shall be made to the clerk of circuit court for distribution
6 to the crime prevention organization. The court may not order a person to make a
7 contribution under this paragraph to a crime prevention organization that has not
8 complied with the provisions of s. 757.17.

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

10 973.09 (1x) If the court places a person on probation, the court may require that
11 the probationer make a contribution to a crime prevention organization if the court
12 determines that the probationer has the financial ability to make the contribution.
13 If the court does require a person to make a contribution to a crime prevention
14 organization but does not require the person to pay any fine that may be imposed for
15 the offense or court costs, the court shall state on the record the reasons why it is not
16 requiring the person to pay the fine or court costs. All contributions made under this
17 subsection shall be made to the clerk of circuit court for distribution to the crime
18 prevention organization. The court may not require a person to make a contribution
19 under this subsection to a crime prevention organization that has not complied with
20 the provisions of s. 757.17.

21 **SECTION 8. Nonstatutory provisions.**

22 (1) Notwithstanding section 757.17 of the statutes, as created by this act, if this
23 subsection takes effect before January 1, 2000, the report required on February 1,
24 2000, under section 757.17 of the statutes, as created by this act, need only include
25 information regarding contributions received from the effective date of this

1 subsection to December 31, 1999. Notwithstanding section 757.17 of the statutes,
2 as created by this act, if this subsection takes effect after December 31, 1999, the
3 report required on February 1, 2001, under section 757.17 of the statutes, as created
4 by this act, need only include information regarding contributions received from the
5 effective date of this subsection to December 31, 2000.

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(END)