

1999 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB211)

Received: **05/19/99**

Received By: **nelsorp1**

Wanted: **Soon**

Identical to LRB:

For: **Robert Goetsch (608) 266-2540**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **nelsorp1**

May Contact:

Alt. Drafters: **olsenje**

Subject: **Criminal Law - sentencing
Courts - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Contributions to crime prevention organizations

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp1 05/20/99	wjackson 05/24/99		_____			
/1			mclark 05/24/99	_____	lrb_docadmin 05/24/99	lrb_docadmin 05/24/99	
/2	nelsorp1 05/25/99	wjackson 05/25/99	kfollet 05/25/99	_____	lrb_docadmin 05/25/99	lrb_docadmin 05/25/99	
/3	nelsorp1 05/26/99		kfollet 05/26/99	_____	lrb_docadmin 05/26/99	lrb_docadmin 05/26/99	

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1/3 5/26 wLj

Kjf
5/26

Kjf/km
5/26

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/1		1/2 Wlj 5/25	mclark 05/24/99	_____	lrb_docadmin 05/24/99	lrb_docadmin 05/24/99	
			Kjf 5/25	Kjf/Km 5/25			

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/?	nelsorp1	/1 5/24 WLj	MRC 5/24	MRC/JF 5/24			

FE Sent For:

<END>

5/19/99

Rep Goetsch
Kent V.
Cheryl G.

Rep Masser
Marlene

Bob Nelson Jeffrey Olson

AB 211

A. CONTRIBUTIONS

Additional requirement for a court that orders a contribution to a crime prevention organization:

Alternative 1. "The court also shall require payment of no less than the minimum applicable forfeiture, fine or court costs."

when ordering contribution

Alternative 2. "The court, if any applicable fine, forfeiture or court costs were not ordered, shall state on the record its reasons why the fine, forfeiture or court costs were not ordered."

*OK
agreed to*

Alternative 3. "The court also shall require payment of the minimum applicable court costs."

B. 778.027 DISMISSALS

Assembly Bill 211. "A prosecutor or an attorney representing the state or a political subdivision of the state may not dismiss or amend a citation or complaint alleging a violation *that will result in a forfeiture* in exchange for a person's payment of a contribution to a crime prevention organization." (Emphasis added)

Alternative 1. "A prosecutor or an attorney representing the state or a political subdivision of the state may not, in exchange for a person's payment of a contribution to a crime prevention organization, dismiss

*OK
agreed to*

or amend a citation or complaint alleging a violation that provides for a forfeiture."

B. 967.057 DISMISSALS

Assembly Bill 211. "A prosecutor may not dismiss or amend a charge alleging a criminal offense in exchange for a person's payment of a contribution to a crime prevention organization."

Alternative 1. "A prosecutor may not, in exchange for a person's payment of a contribution to a crime prevention organization, dismiss or amend a charge alleging a criminal offense."

OK
Agreed to

5/26 an

S 0082/1

1999 - 2000 LEGISLATURE

LRB 1999/2

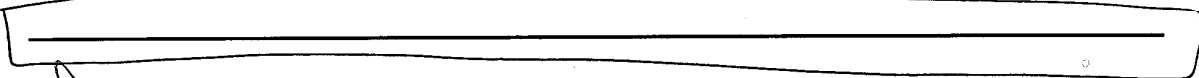
RPN&JEO:wlj&jlg:km

Assembly to Substitute Amendment
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.

Reger

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:

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

753.40 Contributions to crime prevention organizations. ~~A~~ If a circuit court may require finds in a forfeiture action that a person violating violated an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment, the circuit court may require the person to make a contribution not to exceed the maximum amount of the forfeiture ^{that} ~~which~~ ^{insert 2-20} may be levied to a crime prevention organization if the court determines that the violator has the financial ability to make the contribution. All contributions made under this section shall be made to the clerk of circuit court for distribution to the crime prevention organization. The circuit court may not require a person to make a contribution under this section to a crime prevention organization that has not complied with the provisions of s. 757.17.

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

755.20 Contributions to crime prevention organizations. ~~A~~ If a municipal court may require finds in a forfeiture action that a person violating violated an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment, the municipal court may require the person to make a contribution not to exceed the maximum amount of the forfeiture ^{that} ~~which~~ ^{insert 2-20} may be levied to a crime prevention organization if the court determines that the violator has the financial ability to make the contribution. All 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 ^{provides for} ~~will result in~~ a forfeiture ^{in exchange for} a person's payment of a
22 contribution to a crime prevention organization ^{commas} ~~or~~ ^{period} ~~and~~ a 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

↑
from p 4, lines 122 ✓
↓

to p 3, 125

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. ^{Insert 4-7} 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. ^{Insert 4-14}
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)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0082/?ins
RPN & JEO.....

1

insert 2-8, 2-20:

2

No ^{fr} If the court does require a person to make a contribution to a crime prevention organization but does not require the person to pay a forfeiture or court costs, the court shall state on the record the reasons why it is not requiring the person to pay the forfeiture or court costs.

3

4

5

6

insert 4-7, 4-14:

7

No ^{fr} If the court does require a person to make a contribution to a crime prevention organization but does not require the person to pay any fine that may be imposed for the offense or court costs, the court shall state on the record the reasons why it is not requiring the person to pay the fine or court costs.

8

9

10

5/25 pm

1999 - 2000 LEGISLATURE

LRBs0082/1
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2

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

Regen

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~~ 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.

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25 that receives contributions under s. 753.40, 755.20, 973.06 (1) (f) or 973.09 (1x) shall

VAM

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.

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10 of the officers of the organization.

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16 a violation that provides for a forfeiture.

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18 **967.057 Dismissals for contributions to crime prevention**
19 **organizations.** A prosecutor may not, in exchange for a person's payment of a
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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
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19 under this subsection to a crime prevention organization that has not complied with
20 the provisions of s. 757.17.

21

(END)

insert 4-20

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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insert 4-20:

SECTION ~~4~~[#]. Nonstatutory provisions.

(1) Notwithstanding section 757.17 of the statutes, as created by this act, if this subsection takes effect before January 1, 2000, the report required on February 1, 2000, under ~~that~~ ^{757.17} section ^{, as created by this act,} of the statutes need only include information regarding contributions received from the effective date of this subsection to December 31, 1999. Notwithstanding section 757.17 of the statutes, as created by this act, if this subsection takes effect after December 31, 2000, the report required on February 1, 2001, under ~~that~~ ^{757.17} section ^{, as created by this act,} of the statutes need only include information regarding contributions received from the effective date of this subsection to December 31, 2000.



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- 7 (3) The expenditures made with the contributions.
- 8 (4) The balance of the contributions remaining.
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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**
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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**
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23 973.06 (1) (f) An amount determined by the court to make a reasonable
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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, ~~2000~~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.

6

(END)