

1999 ASSEMBLY BILL 387

June 15, 1999 – Introduced by Representatives MEYERHOFER, MUSSER, POCAN, RYBA, MILLER, TURNER, STASKUNAS, BOCK, SERATTI, PLOUFF, KREUSER and KAUFERT, cosponsored by Senators GEORGE and ROESSLER. Referred to Committee on Criminal Justice.

1 **AN ACT** *to renumber and amend* 973.06 (1) (f); *to amend* 753.40, 755.20 and
2 973.09 (1x); and *to create* 973.06 (1) (f) 1. and 2. of the statutes; **relating to:**
3 requiring offenders to make contributions to certain organizations or agencies.

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. The court of appeals has interpreted the phrase “crime prevention organization” to mean an organization that encourages the public to report crime to law enforcement agencies and assists law enforcement agencies in apprehending criminal offenders. Under this interpretation, “crime prevention organization” does not include a law enforcement agency. *State v. Bizzle*, 222 Wis. 2d 100 (Ct. App. 1998).

This bill provides that a court may require an offender to make a contribution to any of the following:

1. A private nonprofit organization that has as its primary purpose preventing crime, encouraging the public to report crime or assisting law enforcement agencies in apprehending criminal offenders.

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2. A law enforcement agency that has a crime prevention fund, if the contribution is credited to the crime prevention fund and is used for crime prevention purposes.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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~~ certain organizations and**
3 **agencies.** ~~A~~ If a circuit court may require finds in a forfeiture action that a person
4 violating violated an ordinance that prohibits conduct that is the same as or similar
5 to conduct prohibited by state statute punishable by fine or imprisonment, the circuit
6 court may require the person to make a contribution not to exceed the maximum
7 amount of the forfeiture which that may be levied to a crime prevention organization
8 an organization or agency specified in s. 973.06 (1) (f) if the court determines that the
9 violation has the financial ability to make the contribution.

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

11 **755.20 Contributions to ~~crime prevention~~ certain organizations and**
12 **agencies.** ~~A~~ If a municipal court may require finds in a forfeiture action that a
13 person violating violated an ordinance that prohibits conduct that is the same as or
14 similar to conduct prohibited by state statute punishable by fine or imprisonment,
15 the municipal court may require the person to make a contribution not to exceed the
16 maximum amount of the forfeiture which that may be levied to a crime prevention
17 organization an organization or agency specified in s. 973.06 (1) (f) if the court
18 determines that the violator has the financial ability to make the contribution.

