

1999 DRAFTING REQUEST

Bill

Received: **04/7/99**

Received By: **olsenje**

Wanted: **Soon**

Identical to LRB:

For: **Lee Meyerhofer (608) 266-2418**

By/Representing: **Himself**

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

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - sentencing**

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>
/P1	olsenje 04/10/99	jgeller 04/12/99	jfrantze 04/12/99	_____	lrb_docadmin 04/12/99		S&L
/1	olsenje 05/3/99	jgeller 05/3/99	martykr 05/4/99	_____	lrb_docadmin 05/4/99	lrb_docadminS&L 05/4/99	

FE Sent For:

<END>

G → 06-15-99

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/P1	olsenje 04/10/99	jgeller 04/12/99	jfrantze 04/12/99	_____	lrb_docadmin 04/12/99		S&L

FE Sent For:

1 5/3 jlg
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 <END>

Jacket "1" for
 Assembly
 JED

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1?	olsenje	PI 4/2/99	JS 4/1/99	7/12			

FE Sent For:

<END>

Submit "7" drafts
JEO

2861

Rep. Meyerhoffer

Crime prevention organization

→ include a police dept., if
in separate crime prevention
fund / for crime prevention
purposes

2145

2469



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2861/P1
JEO&RPN:.....

by Weds 4/14
(very small spender)

D. Nabe

jug

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gen cat

1 AN ACT ...; relating to: requiring offenders to make contributions to certain
2 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.
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 History: 1995 a. 28.

11 SECTION 2. 755.20[✓] of the statutes is amended to read:

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

19 History: 1995 a. 28.

20 SECTION 3. 973.06 (1) (f)[✓] of the statutes is renumbered 973.06 (1) (f) (intro.) and
amended to read:

1 973.06 (1) (f) (intro.) An amount determined by the court to make a reasonable
2 contribution to a ~~crime prevention organization~~ any of the following, if the court
3 determines that the person has the financial ability to make the contribution and the
4 contribution is appropriate.✓

5 History: Sup. Ct. Order, 67 W (2d) 585, 784 (1975); 1979 c. 356; 1981 c. 352; 1985^X 29; 1987 a. 347, 398, 403; 1991 a. 39, 269; 1995 a. 27, 53, 448.

6 SECTION 4. 973.06 (1) (f) 1. and 2. of the statutes are created to read:

7 973.06 (1) (f) 1. A private nonprofit organization that has as its primary
8 purpose preventing crime, encouraging the public to report crime or assisting law
9 enforcement agencies in the apprehension of criminal offenders.

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

13 SECTION 5. 973.09 (1^X) of the statutes is amended to read:

14 973.09 (1^X) If the court places a person on probation, the court may require that
15 the probationer make a contribution to a ~~crime prevention organization~~ an
16 organization or agency specified in s. 973.06 (1) (f) if the court determines that the
17 probationer has the financial ability to make the contribution.

18 History: 1971 c. 298; 1979 c. 119, 189, 238, 355, 356; 1981 c. 50, 88, 326, 352, 391; 1983 a. 27, 104, 254, 346, 519, 538; 1985 a. 150; 1987 a. 347, 398, 403, 412; 1989 a.
19 31, 121, 188; 1991 a. 39; 1993 a. 48, 486; 1995 a. 24, 224, 281; 1997 a. 27, 41, 289.

20 SECTION 6. Initial applicability.

(1) This act first applies to acts in violation of a state law or local ordinance that
are committed on the effective date of this subsection.✓

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2861/P1dn

JEO&RPN:~:~:~

↑
JEO

Representative Meyerhofer:

Please review this draft carefully to make sure that it does what you want it to do. Note that it eliminates the phrase "crime prevention organization" and instead refers to private nonprofit organizations that have certain crime prevention-related purposes. This language is based on the court's definition of the phrase "crime prevention organization" in *State v. Bizzle*.

The draft also allows a court to order a contribution to a law enforcement agency that has a crime prevention fund, if the contribution is credited to that fund and used for crime prevention purposes. If you want, the draft can specify in more detail the purposes for which the contribution may be used.

Please let me know if you have any questions or changes.

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2861/P1dn
JEO:jlj:jf

April 12, 1999

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Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2861/P1
JEO&RPN:jlg:jf

Sen

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Regen

- 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).

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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~~ 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 violator has the financial ability to make the contribution.

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11 **755.20 Contributions to ~~crime prevention~~ certain organizations and**
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13 ~~person violating~~ violated an ordinance that prohibits conduct that is the same as or
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15 the municipal court may require the person to make a contribution not to exceed the
16 maximum amount of the forfeiture ~~which that~~ that may be levied to ~~a crime prevention~~
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