



TODAY

DOA:.....Statz - Penalty assessment surcharge for law enforcement training fund

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

In 2/7/01

RMR

D-Note

1 AN ACT ^{DON'T} ^{GEN. CAT.} relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Current law requires that a person pay a penalty assessment if ordered by a court to pay a fine or forfeiture for violating a state law or local ordinance, except if the fine or forfeiture is for a nonmoving traffic violation, a violation of a seat belt law, or a violation of an antismoking law. The penalty assessment amount is 23% of the amount of the fine or forfeiture.

The revenue from the penalty assessment is appropriated in two parts. Twenty-seven fifty-fifths of the revenue collected under the assessment is appropriated to DOJ to fund training of law enforcement, jail, and secure detention officers, and to fund the purchase of equipment for the state crime laboratories.

The remaining twenty-eight fifty-fifths of the revenue collected under the penalty assessment is appropriated to the office of justice assistance (OJA) to fund the following programs:

| Administering Agency | Program |
|----------------------|-----------------------------------|
| OJA | anti-drug enforcement |
| DPI | alcohol and drug abuse prevention |

| | |
|-------------------------------------|---|
| DOC | victim services |
| DOC | correctional officer training |
| DOC | youth diversion programs in Milwaukee, Racine, Kenosha and Brown counties |
| DOJ | drug enforcement intelligence operations |
| DOJ | compensation to counties for victim and witness services |
| DOA | automated justice information systems |
| office of the state public defender | sponsorship of conferences and training |

Current law also requires that a person pay a drug abuse program improvement surcharge if the person is fined for violating a prohibition against manufacturing, distributing, delivering, or possessing a controlled substance. The drug abuse program improvement surcharge is 50% of the fine amount plus 50% of the penalty assessment amount.

This bill creates a law enforcement training fund assessment that is separate from the penalty assessment. The law enforcement training fund assessment is an 11% surcharge on fines and forfeitures ordered for a violation of a state law or local ordinance, except if the fine or forfeiture is for a nonmoving traffic violation, a violation of a seat belt law, or a violation of an antismoking law.

The bill appropriates the revenue collected under the law enforcement training fund assessment to DOJ to fund the law enforcement, jail, and secure detention officer training, and the purchase of equipment for the crime laboratories that is currently funded by the twenty-seven fifty-fifths portion of the penalty assessment revenue appropriated to DOJ.

The bill decreases the penalty assessment to 13% of the amount of a fine or forfeiture. The revenue collected under the penalty assessment is appropriated to OJA to fund the grants that OJA currently funds with the twenty-eight fifty-fifths portion of the 23% penalty assessment.

The bill also increases the amount of the drug abuse program improvement surcharge to 50% of the fine, plus 50% of the penalty assessment, plus 50% of the law enforcement training fund assessment.

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.** 20.455 (2) (i) of the statutes is amended to read:
- 2 20.455 (2) (i) *Penalty assessment surcharge* Law enforcement training fund
- 3 assessment, receipts. The amounts in the schedule for the purposes of s. 165.85 (5)

1 (b) and for crime laboratory equipment. All moneys received from the penalty law
2 enforcement training fund assessment surcharge on court fines and forfeitures as
3 allocated to this appropriation account under s. ~~757.05 (2) (a)~~ 165.87 (2) shall be
4 credited to this appropriation account. Moneys may be transferred from this
5 paragraph to pars. (j), (ja), and (jb) by the secretary of administration for
6 expenditures based upon determinations by the department of justice.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 SECTION 2. 20.455 (2) (j) of the statutes is amended to read:

8 20.455 (2) (j) *Law enforcement training fund, local assistance.* The amounts
9 in the schedule to finance local law enforcement training as provided in s. 165.85 (5)
10 (b). All moneys transferred from par. (i) for the purpose of this appropriation shall
11 be credited to this appropriation.

12 SECTION 3. 20.455 (2) (ja) of the statutes is amended to read:

13 20.455 (2) (ja) *Law enforcement training fund, state operations.* The amounts
14 in the schedule to finance state operations associated with the administration of the
15 law enforcement training fund and to finance training for state law enforcement
16 personnel, as provided in s. 165.85 (5) (b). All moneys transferred from par. (i) for
17 the purpose of this appropriation shall be credited to this appropriation.

18 SECTION 4. 20.455 (2) (jb) of the statutes is amended to read:

19 20.455 (2) (jb) *Crime laboratory equipment and supplies.* The amounts in the
20 schedule for the maintenance, repair, upgrading, and replacement costs of the
21 laboratory equipment, and for supplies used to maintain, repair, upgrade, and
22 replace that equipment, in the state and regional crime laboratories. All moneys

1 transferred from par. (i) for the purpose of this appropriation shall be credited to this
2 appropriation.

3 **SECTION 5.** 20.505 (6) (j) (intro.) of the statutes is amended to read:

4 20.505 (6) (j) *Penalty assessment surcharge receipts.* (intro.) All moneys
5 received from the penalty assessment surcharge under s. 757.05 (2) (b) on court fines
6 and forfeitures ~~and all moneys transferred under 1999 Wisconsin Act 9, sections~~
7 ~~9201 (2m), (2n) and (2p), 9211 (2g), 9230 (1), (2m) and (3m), 9238 (1h) and 9239 (1h)~~
8 ~~and (2h)~~, for the purpose of transferring the following amounts to the following
9 appropriation accounts:

10 **SECTION 6.** 23.50 (1) of the statutes is amended to read:

11 23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
12 court to recover forfeitures, penalty assessments, law enforcement training fund
13 assessments, jail assessments, applicable weapons assessments, applicable
14 environmental assessments, applicable wild animal protection assessments,
15 applicable natural resources assessments, applicable fishing shelter removal
16 assessments, applicable snowmobile registration restitution payments, and
17 applicable natural resources restitution payments for violations of ss. 77.09, 134.60,
18 167.10 (3), 167.31 (2), 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4),
19 287.07, 287.08, 287.81, and 299.64 (2), subch. VI of ch. 77, this chapter and chs. 26
20 to 31 and of ch. 350, and any administrative rules promulgated thereunder,
21 violations specified under s. 285.86, violations of rules of the Kickapoo reserve
22 management board under s. 41.41 (7) (k), or violations of local ordinances enacted
23 by any local authority in accordance with s. 23.33 (11) (am) or 30.77.

24 **SECTION 7.** 23.50 (2) of the statutes is amended to read:

1 23.50 (2) All actions to recover these forfeitures, penalty assessments, law
2 enforcement training fund assessments, jail assessments, applicable weapons
3 assessments, applicable environmental assessments, applicable wild animal
4 protection assessments, applicable natural resources assessments, applicable
5 fishing shelter removal assessments, applicable snowmobile registration restitution
6 payments, and applicable natural resources restitution payments are civil actions
7 in the name of the state of Wisconsin, shall be heard in the circuit court for the county
8 where the offense occurred, and shall be recovered under the procedure set forth in
9 ss. 23.50 to 23.85.

10 **SECTION 8.** 23.50 (3) of the statutes is amended to read:

11 23.50 (3) All actions in municipal court to recover forfeitures, penalty
12 assessments, law enforcement training fund assessments, and jail assessments for
13 violations of local ordinances enacted by any local authority in accordance with s.
14 23.33 (11) (am) or 30.77 shall utilize the procedure in ch. 800. The actions shall be
15 brought before the municipal court having jurisdiction. Provisions relating to
16 citations, arrests, questioning, releases, searches, deposits, and stipulations of no
17 contest in ss. 23.51 (1), (3), and (8), 23.53, 23.54, 23.56 to 23.64, 23.66, and 23.67 shall
18 apply to violations of such ordinances.

19 **SECTION 9.** 23.51 (3t) of the statutes is created to read:

20 23.51 (3t) "Law enforcement training fund assessment" means the assessment
21 imposed under s. 165.87 (1).

22 **SECTION 10.** 23.51 (8) of the statutes is amended to read:

23 23.51 (8) "Violation" means conduct which is prohibited by state law or
24 municipal ordinance and punishable by a forfeiture, a penalty assessment, a law

1 enforcement training fund assessment, a jail assessment, and a crime laboratories
2 and drug law enforcement assessment.

3 SECTION 11. 23.53 (1) of the statutes is amended to read:

4 23.53 (1) The citation created under this section shall, in all actions to recover
5 forfeitures, penalty assessments, law enforcement training fund assessments, jail
6 assessments, applicable weapons assessments, applicable environmental
7 assessments, applicable wild animal protection assessments, applicable natural
8 resources assessments, applicable fishing shelter removal assessments, applicable
9 snowmobile registration restitution payments, and applicable natural resources
10 restitution payments for violations of those statutes enumerated in s. 23.50 (1), any
11 administrative rules promulgated thereunder, and any rule of the Kickapoo reserve
12 management board under s. 41.41 (7) (k) be used by any law enforcement officer with
13 authority to enforce those laws, except that the uniform traffic citation created under
14 s. 345.11 may be used by a traffic officer employed under s. 110.07 in enforcing s.
15 167.31 or by an officer of a law enforcement agency of a municipality or county or a
16 traffic officer employed under s. 110.07 in enforcing s. 287.81. In accordance with s.
17 345.11 (1m), the citation shall not be used for violations of ch. 350 relating to highway
18 use. The citation may be used for violations of local ordinances enacted by any local
19 authority in accordance with s. 23.33 (11) (am) or 30.77.

20 SECTION 12. 23.54 (3) (e) of the statutes is amended to read:

21 23.54 (3) (e) The maximum forfeiture, penalty assessment, law enforcement
22 training fund assessment, jail assessment, crime laboratories and drug law
23 enforcement assessment, applicable weapons assessment, applicable environmental
24 assessment, applicable wild animal protection assessment, applicable natural
25 resources assessment, applicable fishing shelter removal assessment, applicable

1 snowmobile registration restitution payment, and applicable natural resources
2 restitution payment for which the defendant might be found liable.

3 **SECTION 13.** 23.54 (3) (i) of the statutes is amended to read:

4 23.54 (3) (i) Notice that, if the defendant makes a deposit and fails to appear
5 in court at the time fixed in the citation, the defendant will be deemed to have
6 tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a
7 law enforcement training fund assessment, a jail assessment, a crime laboratories
8 and drug law enforcement assessment, any applicable weapons assessment, any
9 applicable environmental assessment, any applicable wild animal protection
10 assessment, any applicable natural resources assessment, any applicable fishing
11 shelter removal assessment, any applicable snowmobile registration restitution
12 payment, and any applicable natural resources restitution payment plus costs,
13 including any applicable fees prescribed in ch. 814, not to exceed the amount of the
14 deposit. The notice shall also state that the court may decide to summon the
15 defendant rather than accept the deposit and plea.

16 **SECTION 14.** 23.54 (3) (j) of the statutes is amended to read:

17 23.54 (3) (j) Notice that, if the defendant makes a deposit and signs the
18 stipulation, the defendant will be deemed to have tendered a plea of no contest and
19 submitted to a forfeiture, a penalty assessment, a law enforcement training fund
20 assessment, a jail assessment, a crime laboratories and drug law enforcement
21 assessment, any applicable weapons assessment, any applicable environmental
22 assessment, any applicable wild animal protection assessment, any applicable
23 natural resources assessment, any applicable fishing shelter removal assessment,
24 any applicable snowmobile registration restitution payment, and any applicable
25 natural resources restitution payment plus costs, including any applicable fees

1 prescribed in ch. 814, not to exceed the amount of the deposit. The notice shall also
2 state that the court may decide to summon the defendant rather than accept the
3 deposit and stipulation, and that the defendant may, at any time prior to or at the
4 time of the court appearance date, move the court for relief from the effects of the
5 stipulation.

6 **SECTION 15.** 23.55 (1) (b) of the statutes is amended to read:

7 23.55 (1) (b) A plain and concise statement of the violation identifying the event
8 or occurrence from which the violation arose and showing that the plaintiff is entitled
9 to relief, the statute upon which the cause of action is based, and a demand for a
10 forfeiture, the amount of which shall not exceed the maximum set by the statute
11 involved, a penalty assessment, a law enforcement training fund assessment, a jail
12 assessment, a crime laboratories and drug law enforcement assessment, any
13 applicable weapons assessment, any applicable environmental assessment, any
14 applicable wild animal protection assessment, any applicable natural resources
15 assessment, any applicable fishing shelter removal assessment, any applicable
16 snowmobile registration restitution payment, any applicable natural resources
17 restitution payment, and any other relief that is sought by the plaintiff.

18 **SECTION 16.** 23.66 (2) of the statutes is amended to read:

19 23.66 (2) The person receiving the deposit shall prepare a receipt in triplicate
20 showing the purpose for which the deposit is made, stating that the defendant may
21 inquire at the office of the clerk of court or municipal court regarding the disposition
22 of the deposit, and notifying the defendant that if he or she fails to appear in court
23 at the time fixed in the citation he or she will be deemed to have tendered a plea of
24 no contest and submitted to a forfeiture, a penalty assessment, a law enforcement
25 training fund assessment, a jail assessment, a crime laboratories and drug law

1 enforcement assessment, any applicable weapons assessment, any applicable
2 environmental assessment, any applicable wild animal protection assessment, any
3 applicable natural resources assessment, any applicable fishing shelter removal
4 assessment, any applicable snowmobile registration restitution payment, and any
5 applicable natural resources restitution payment plus costs, including any
6 applicable fees prescribed in ch. 814, not to exceed the amount of the deposit which
7 the court may accept. The original of the receipt shall be delivered to the defendant
8 in person or by mail. If the defendant pays by check, share draft, or other draft, the
9 check, share draft, or other draft or a microfilm copy of the check, share draft, or other
10 draft shall be considered a receipt. If the defendant makes the deposit by use of a
11 credit card, the credit charge receipt shall be considered a receipt.

12 **SECTION 17.** 23.66 (4) of the statutes is amended to read:

13 23.66 (4) The basic amount of the deposit shall be determined in accordance
14 with a deposit schedule that the judicial conference shall establish. Annually, the
15 judicial conference shall review and may revise the schedule. In addition to the basic
16 amount determined according to the schedule, the deposit shall include court costs,
17 including any applicable fees prescribed in ch. 814, any applicable penalty
18 assessment, any applicable law enforcement training fund assessment, any
19 applicable jail assessment, any applicable crime laboratories and drug law
20 enforcement assessment, any applicable weapons assessment, any applicable
21 environmental assessment, any applicable wild animal protection assessment, any
22 applicable natural resources assessment, any applicable fishing shelter removal
23 assessment, any applicable snowmobile registration restitution payment, and any
24 applicable natural resources restitution payment.

25 **SECTION 18.** 23.67 (2) of the statutes is amended to read:

1 **23.67 (2)** The deposit and stipulation of no contest may be made at any time
2 prior to the court appearance date. By signing the stipulation, the defendant is
3 deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty
4 assessment, a law enforcement training fund assessment, a jail assessment, a crime
5 laboratories and drug law enforcement assessment, any applicable weapons
6 assessment, any applicable environmental assessment, any applicable wild animal
7 protection assessment, any applicable natural resources assessment, any applicable
8 fishing shelter removal assessment, any applicable snowmobile registration
9 restitution payment, and any applicable natural resources restitution payment plus
10 costs, including any applicable fees prescribed in ch. 814, not to exceed the amount
11 of the deposit.

12 **SECTION 19.** 23.67 (3) of the statutes is amended to read:

13 **23.67 (3)** The person receiving the deposit and stipulation of no contest shall
14 prepare a receipt in triplicate showing the purpose for which the deposit is made,
15 stating that the defendant may inquire at the office of the clerk of court or municipal
16 court regarding the disposition of the deposit, and notifying the defendant that if the
17 stipulation of no contest is accepted by the court the defendant will be deemed to have
18 submitted to a forfeiture, a penalty assessment, a law enforcement training fund
19 assessment, a jail assessment, a crime laboratories and drug law enforcement
20 assessment, any applicable weapons assessment, any applicable environmental
21 assessment, any applicable wild animal protection assessment, any applicable
22 natural resources assessment, any applicable fishing shelter removal assessment,
23 any applicable snowmobile registration restitution payment, and any applicable
24 natural resources restitution payment plus costs, including any applicable fees

1 prescribed in ch. 814, not to exceed the amount of the deposit. Delivery of the receipt
2 shall be made in the same manner as in s. 23.66.

3 **SECTION 20.** 23.75 (3) (a) 2. of the statutes is amended to read:

4 23.75 (3) (a) 2. If the court considers the nonappearance to be a plea of no
5 contest and enters judgment accordingly, the court shall promptly mail a copy or
6 notice of the judgment to the defendant. The judgment shall allow the defendant not
7 less than 20 working days from the date the judgment copy or notice is mailed to pay
8 the forfeiture, penalty assessment, law enforcement training fund assessment, jail
9 assessment, and crime laboratories and drug law enforcement assessment, any
10 applicable weapons assessment, any applicable environmental assessment, any
11 applicable wild animal protection assessment, any applicable natural resources
12 assessment, any applicable fishing shelter removal assessment, any applicable
13 snowmobile registration restitution payment, and any applicable natural resources
14 restitution payment plus costs, including any applicable fees prescribed in ch. 814.

15 **SECTION 21.** 23.75 (3) (b) of the statutes is amended to read:

16 23.75 (3) (b) If the defendant has made a deposit, the citation may serve as the
17 initial pleading and the defendant shall be deemed to have tendered a plea of no
18 contest and submitted to a forfeiture, a penalty assessment, a law enforcement
19 training fund assessment, a jail assessment, a crime laboratories and drug law
20 enforcement assessment, any applicable weapons assessment, any applicable
21 environmental assessment, any applicable wild animal protection assessment, any
22 applicable natural resources assessment, any applicable fishing shelter removal
23 assessment, any applicable snowmobile registration restitution payment, and any
24 applicable natural resources restitution payment plus any applicable fees prescribed
25 in ch. 814, not exceeding the amount of the deposit. The court may either accept the

1 plea of no contest and enter judgment accordingly, or reject the plea and issue a
2 summons. If the defendant fails to appear in response to the summons, the court
3 shall issue an arrest warrant. If the court accepts the plea of no contest, the
4 defendant may move within 90 days after the date set for appearance to withdraw
5 the plea of no contest, open the judgment, and enter a plea of not guilty if the
6 defendant shows to the satisfaction of the court that failure to appear was due to
7 mistake, inadvertence, surprise, or excusable neglect. If a party is relieved from the
8 plea of no contest, the court or judge may order a written complaint to be filed and
9 set the matter for trial. After trial the costs and fees shall be taxed as provided by
10 law. If on reopening the defendant is found not guilty, the court shall delete the
11 record of conviction and shall order the defendant's deposit returned.

12 **SECTION 22.** 23.75 (3) (c) of the statutes is amended to read:

13 23.75 (3) (c) If the defendant has made a deposit and stipulation of no contest,
14 the citation may serve as the initial pleading and the defendant shall be deemed to
15 have tendered a plea of no contest and submitted to a forfeiture, a penalty
16 assessment, a law enforcement training fund assessment, a jail assessment, a crime
17 laboratories and drug law enforcement assessment, any applicable weapons
18 assessment, any applicable environmental assessment, any applicable wild animal
19 protection assessment, any applicable natural resources assessment, any applicable
20 fishing shelter removal assessment, any applicable snowmobile registration
21 restitution payment, and any applicable natural resources restitution payment plus
22 any applicable fees prescribed in ch. 814, not exceeding the amount of the deposit.
23 The court may either accept the plea of no contest and enter judgment accordingly,
24 or reject the plea and issue a summons. If the defendant fails to appear in response
25 to the summons, the court shall issue an arrest warrant. After signing a stipulation

1 of no contest, the defendant may, at any time prior to or at the time of the court
2 appearance date, move the court for relief from the effect of the stipulation. The court
3 may act on the motion, with or without notice, for cause shown by affidavit and upon
4 just terms, and relieve the defendant from the stipulation and the effects thereof.
5 If the defendant is relieved from the stipulation of no contest, the court may order
6 a citation or complaint to be filed and set the matter for trial. After trial the costs
7 and fees shall be taxed as provided by law.

8 **SECTION 23.** 23.79 (1) of the statutes is amended to read:

9 23.79 (1) If the defendant is found guilty, the court may enter judgment against
10 the defendant for a monetary amount not to exceed the maximum forfeiture provided
11 by the statute for the violation, the penalty assessment, the law enforcement
12 training fund assessment, the jail assessment, the crime laboratories and drug law
13 enforcement assessment, any applicable weapons assessment, any applicable
14 environmental assessment, any applicable wild animal protection assessment, any
15 applicable natural resources assessment, any applicable fishing shelter removal
16 assessment, any applicable snowmobile registration restitution payment, any
17 applicable natural resources restitution payment, and for costs.

18 **SECTION 24.** 23.80 (2) of the statutes is amended to read:

19 23.80 (2) Upon default of the defendant corporation or municipality, or upon
20 conviction, judgment for the amount of the forfeiture, the penalty assessment, the
21 law enforcement training fund assessment, the jail assessment, the crime
22 laboratories and drug law enforcement assessment, any applicable weapons
23 assessment, any applicable environmental assessment, any applicable wild animal
24 protection assessment, any applicable natural resources assessment, any applicable
25 fishing shelter removal assessment, any applicable snowmobile registration

1 restitution payment, and any applicable natural resources restitution payment shall
2 be entered.

3 **SECTION 25.** 23.84 of the statutes is amended to read:

4 **23.84 Forfeitures and assessments collected; to whom paid.** Except for
5 actions in municipal court, all moneys collected in favor of the state or a municipality
6 for forfeiture, penalty assessment, law enforcement training fund assessment, jail
7 assessment, crime laboratories and drug law enforcement assessment, applicable
8 weapons assessment, applicable environmental assessment, applicable wild animal
9 protection assessment, applicable natural resources assessment, applicable fishing
10 shelter removal assessment, applicable snowmobile registration restitution
11 payment, and applicable natural resources restitution payment shall be paid by the
12 officer who collects the same to the appropriate municipal or county treasurer, within
13 20 days after its receipt by the officer, except that all jail assessments shall be paid
14 to the county treasurer. In case of any failure in the payment, the municipal or
15 county treasurer may collect the payment from the officer by an action in the
16 treasurer's name of office and upon the official bond of the officer, with interest at the
17 rate of 12% per year from the time when it should have been paid.

18 **SECTION 26.** 23.85 of the statutes is amended to read:

19 **23.85 Statement to county board; payment to state.** Every county
20 treasurer shall, on the first day of the annual meeting of the county board of
21 supervisors, submit to it a verified statement of all forfeitures, penalty assessments,
22 law enforcement training fund assessments, jail assessments, weapons
23 assessments, environmental assessments, wild animal protection assessments,
24 natural resources assessments, fishing shelter removal assessments, snowmobile
25 registration restitution payments, and natural resources restitution payments

1 money received during the previous year. The county clerk shall deduct all expenses
2 incurred by the county in recovering those forfeitures, penalty assessments, law
3 enforcement training fund assessments, weapons assessments, environmental
4 assessments, wild animal protection assessments, natural resources assessments,
5 fishing shelter removal assessments, snowmobile registration restitution payments,
6 and natural resources restitution payments from the aggregate amount so received,
7 and shall immediately certify the amount of clear proceeds of those forfeitures,
8 penalty assessments, law enforcement training fund assessments, weapons
9 assessments, environmental assessments, wild animal protection assessments,
10 natural resources assessments, fishing shelter removal assessments, snowmobile
11 registration restitution payments, and natural resources restitution payments to the
12 county treasurer, who shall pay the proceeds to the state treasurer as provided in s.
13 59.25 (3). Jail assessments shall be treated separately as provided in s. 302.46.

14 **SECTION 27.** 48.37 (2) of the statutes is amended to read:

15 48.37 (2) Notwithstanding sub. (1), no costs, penalty assessments, law
16 enforcement training fund assessments, or jail assessments may be assessed against
17 any child in a circuit court exercising jurisdiction under s. 48.16.

18 **SECTION 28.** 59.25 (3) (f) 2. of the statutes is amended to read:

19 59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be
20 deposited in the state treasury, the amounts required by s. 757.05 for the penalty
21 assessment surcharge, the amounts required by s. 165.87 (1) for the law enforcement
22 training fund assessment, the amounts required by s. 165.755 for the crime
23 laboratories and drug law enforcement assessment, the amounts required by s.
24 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the
25 crime victim and witness assistance surcharge, the amounts required by s. 938.34

1 (8d) for the delinquency victim and witness assistance surcharge, the amounts
2 required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts
3 required by s. 961.41 (5) for the drug abuse program improvement surcharge, the
4 amounts required by s. 100.261 for the consumer ~~information~~ ^{protection} assessment, the
5 amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the
6 domestic abuse assessment, the amounts required by s. 253.06 (4) (c) for the
7 enforcement assessment under the supplemental food program for women, infants
8 and children, the amounts required by ss. 346.177, 346.495 and 346.65 (4r) for the
9 railroad crossing improvement assessment, the amounts required by s. 346.655 (2)
10 (a) and (b) for the driver improvement surcharge, the amounts required by s. 102.85
11 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the
12 environmental assessment, the amounts required by s. 29.983 for the wild animal
13 protection assessment, the amounts required by s. 29.987 for the natural resources
14 assessment surcharge, the amounts required by s. 29.985 for the fishing shelter
15 removal assessment, the amounts required by s. 350.115 for the snowmobile
16 registration restitution payment, and the amounts required by s. 29.989 for natural
17 resources restitution payments, transmit to the state treasurer a statement of all
18 moneys required by law to be paid on the actions entered during the preceding month
19 on or before the first day of the next succeeding month, certified by the county
20 treasurer's personal signature affixed or attached thereto, and at the same time pay
21 to the state treasurer the amount thereof.

22 INSERT 16-21

SECTION 29. 59.40 (2) (m) of the statutes is amended to read:

23 59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's
24 percentage of the fees required to be paid on each civil action, criminal action and
25 special proceeding filed during the preceding month and pay monthly to the

1 treasurer for the use of the state the percentage of court imposed fines and forfeitures
2 required by law to be deposited in the state treasury, the amounts required by s.
3 757.05 for the penalty assessment surcharge, the amounts required by s. 165.87 (1)
4 for the law enforcement training fund assessment, the amounts required by s.
5 165.755 for the crime laboratories and drug law enforcement assessment, the
6 amounts required by s. 167.31 (5) for the weapons assessment, the amounts required
7 by s. 973.045 for the crime victim and witness assistance surcharge, the amounts
8 required by s. 938.34 (8d) for the delinquency victim and witness assistance
9 surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis
10 surcharge, the amounts required by s. 961.41 (5) for the drug abuse program
11 improvement surcharge, the amounts required by s. 100.261 for the consumer
12 ~~information~~^{protection} assessment, the amounts authorized by s. 971.37 (1m) (c) 1. or required
13 by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by
14 s. 253.06 (4) (c) for the enforcement assessment under the supplemental food
15 program for women, infants and children, the amounts required by ss. 346.177,
16 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the
17 amounts required by s. 346.655 for the driver improvement surcharge, the amounts
18 required by s. 102.85 (4) for the uninsured employer assessment, the amounts
19 required by s. 299.93 for the environmental assessment, the amounts required under
20 s. 29.983 for the wild animal protection assessment, the amounts required under s.
21 29.987 (1) (d) for the natural resources assessment surcharge, the amounts required
22 by s. 29.985 for the fishing shelter removal assessment, the amounts required by s.
23 350.115 for the snowmobile registration restitution payment, and the amounts
24 required under s. 29.989 (1) (d) for the natural resources restitution payments. The
25 ~~payments shall be made by~~ the 15th day of the month following receipt thereof.

INSERT 17-25 ✓

1 SECTION 30. 66.0113 (1) (b) 7. c. of the statutes is amended to read:

2 66.0113 (1) (b) 7. c. That, if the alleged violator makes a cash deposit and does
3 not appear in court, he or she either will be deemed to have tendered a plea of no
4 contest and submitted to a forfeiture, a penalty assessment imposed by s. 757.05, a
5 law enforcement training fund assessment imposed by s. 165.87 (1), a jail assessment
6 imposed by s. 302.46 (1), a crime laboratories and drug law enforcement assessment
7 imposed by s. 165.755, any applicable consumer ~~information~~^{protection} assessment imposed by
8 s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1)
9 not to exceed the amount of the deposit or will be summoned into court to answer the
10 complaint if the court does not accept the plea of no contest.

11 INSERT 18-10

12 SECTION 31. 66.0113 (1) (b) 7. d. of the statutes is amended to read:

13 66.0113 (1) (b) 7. d. That, if the alleged violator does not make a cash deposit
14 and does not appear in court at the time specified, the court may issue a summons
15 or a warrant for the defendant's arrest or consider the nonappearance to be a plea
16 of no contest and enter judgment under sub. (3) (d), or the municipality may
17 commence an action against the alleged violator to collect the forfeiture, the penalty
18 assessment imposed by s. 757.05, the law enforcement training fund assessment
19 imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime
laboratories and drug law enforcement assessment imposed by s. 165.755, any
20 applicable consumer ~~information~~^{protection} assessment imposed by s. 100.261, and any
21 applicable domestic abuse assessment imposed by s. 973.055 (1).

22 INSERT 18-21

23 SECTION 32. 66.0113 (1) (c) of the statutes is amended to read:

24 66.0113 (1) (c) An ordinance adopted under par. (a) shall contain a schedule of
25 cash deposits that are to be required for the various ordinance violations, and for the
penalty assessment imposed by s. 757.05, the law enforcement training fund

1 assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the
 2 crime laboratories and drug law enforcement assessment imposed by s. 165.755, any
 3 applicable consumer ~~information~~^{protection} assessment imposed by s. 100.261, and any
 4 applicable domestic abuse assessment imposed by s. 973.055 (1), for which a citation
 5 may be issued. The ordinance shall also specify the court, clerk of court or other
 6 official to whom cash deposits are to be made and shall require that receipts be given
 7 ~~for cash deposits.~~

8 **INSERT 19-7**

SECTION 33. 66.0113 (3) (a) of the statutes is amended to read:

9 66.0113 (3) (a) The person named as the alleged violator in a citation may
 10 appear in court at the time specified in the citation or may mail or deliver personally
 11 a cash deposit in the amount, within the time and to the court, clerk of court or other
 12 official specified in the citation. If a person makes a cash deposit, the person may
 13 nevertheless appear in court at the time specified in the citation, but the cash deposit
 14 may be retained for application against any forfeiture, restitution, penalty
 15 assessment, law enforcement training fund assessment, jail assessment, crime
 16 laboratories and drug law enforcement assessment, consumer ~~information~~^{protection}
 17 ~~assessment~~, or domestic abuse assessment that may be imposed.

18 **INSERT 19-17**

SECTION 34. 66.0113 (3) (b) of the statutes is amended to read:

19 66.0113 (3) (b) If a person appears in court in response to a citation, the citation
 20 may be used as the initial pleading, unless the court directs that a formal complaint
 21 be made, and the appearance confers personal jurisdiction over the person. The
 22 person may plead guilty, no contest or not guilty. If the person pleads guilty or no
 23 contest, the court shall accept the plea, enter a judgment of guilty and impose a
 24 forfeiture, the penalty assessment imposed by s. 757.05, the law enforcement
 25 training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by

1 s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed
2 by s. 165.755, any applicable consumer ~~information~~^{protection} assessment imposed by s.
3 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1).
4 If the court finds that the violation meets the conditions in s. 800.093 (1), the court
5 may order restitution under s. 800.093. A plea of not guilty shall put all matters in
6 the case at issue, and the matter shall be set for trial.

INSERT 20-6

7 SECTION 35. 66.0113 (3) (c) of the statutes is amended to read:

8 66.0113 (3) (c) If the alleged violator makes a cash deposit and fails to appear
9 in court, the citation may serve as the initial pleading and the violator shall be
10 considered to have tendered a plea of no contest and submitted to a forfeiture, the
11 penalty assessment imposed by s. 757.05, the law enforcement training fund
12 assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the
13 crime laboratories and drug law enforcement assessment imposed by s. 165.755, any
14 applicable consumer ~~information~~^{protection} assessment imposed by s. 100.261, and any
15 applicable domestic abuse assessment imposed by s. 973.055 (1) not exceeding the
16 amount of the deposit. The court may either accept the plea of no contest and enter
17 judgment accordingly or reject the plea. If the court finds the violation meets the
18 conditions in s. 800.093 (1), the court may summon the alleged violator into court to
19 determine if restitution shall be ordered under s. 800.093. If the court accepts the
20 plea of no contest, the defendant may move within 10 days after the date set for the
21 appearance to withdraw the plea of no contest, open the judgment, and enter a plea
22 of not guilty if the defendant shows to the satisfaction of the court that the failure
23 to appear was due to mistake, inadvertence, surprise, or excusable neglect. If the
24 plea of no contest is accepted and not subsequently changed to a plea of not guilty,
25 no costs or fees may be taxed against the violator, but a penalty assessment, a law

1 enforcement training fund assessment, a jail assessment, a crime laboratories and
 2 drug law enforcement assessment and, if applicable, a consumer ~~information~~ ^{protection}
 3 assessment or a domestic abuse assessment shall be assessed. If the court rejects the
 4 plea of no contest, an action for collection of the forfeiture, penalty assessment, law
 5 enforcement training fund assessment, jail assessment, crime laboratories and drug
 6 law enforcement assessment, any applicable consumer ~~information~~ ^{protection} assessment, and
 7 any applicable domestic abuse assessment may be commenced. A city, village, town
 8 sanitary district, or public inland lake protection and rehabilitation district may
 9 commence action under s. 66.0114 (1) and a county or town may commence action
 10 under s. 778.10. The citation may be used as the complaint in the action for the
 11 collection of the forfeiture, penalty assessment, law enforcement training fund
 12 assessment, jail assessment, crime laboratories and drug law enforcement
 13 assessment, any applicable consumer ~~information~~ ^{protection} assessment, and any applicable
 14 domestic abuse assessment.

INSERT 21-14

SECTION 36. 66.0113 (3) (d) of the statutes is amended to read:

16 66.0113 (3) (d) If the alleged violator does not make a cash deposit and fails to
 17 appear in court at the time specified in the citation, the court may issue a summons
 18 or warrant for the defendant's arrest or consider the nonappearance to be a plea of
 19 no contest and enter judgment accordingly if service was completed as provided
 20 under par. (e) or the county, town, city, village, town sanitary district, or public inland
 21 lake protection and rehabilitation district may commence an action for collection of
 22 the forfeiture, penalty assessment, law enforcement training fund assessment, jail
 23 assessment, and crime laboratories and drug law enforcement assessment, any
 24 applicable consumer ~~information~~ ^{protection} assessment, and any applicable domestic abuse
 25 assessment. A city, village, town sanitary district, or public inland lake protection

1 and rehabilitation district may commence action under s. 66.0114 (1) and a county
2 or town may commence action under s. 778.10. The citation may be used as the
3 complaint in the action for the collection of the forfeiture, penalty assessment, law
4 enforcement training fund assessment, jail assessment, and crime laboratories and
5 drug law enforcement assessment, any applicable consumer ~~information~~ ^{protection}
6 assessment, and any applicable domestic abuse assessment. If the court considers
7 the nonappearance to be a plea of no contest and enters judgment accordingly, the
8 court shall promptly mail a copy or notice of the judgment to the defendant. The
9 judgment shall allow the defendant not less than 20 days from the date of the
10 judgment to pay any forfeiture, penalty assessment, law enforcement training
11 assessment, jail assessment, and crime laboratories and drug law enforcement
12 assessment, any applicable consumer ~~information~~ ^{protection} assessment, and any applicable
13 domestic abuse assessment imposed. If the defendant moves to open the judgment
14 within 6 months after the court appearance date fixed in the citation, and shows to
15 the satisfaction of the court that the failure to appear was due to mistake,
16 inadvertence, surprise, or excusable neglect, the court shall reopen the judgment,
17 accept a not guilty plea and set a trial date.

18 **SECTION 37.** 66.0114 (1) (b) of the statutes is amended to read:

19 66.0114 (1) (b) Local ordinances, except as provided in this paragraph or ss.
20 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any
21 or all violations under those ordinances, may designate the manner in which the
22 stipulation is to be made and may fix the penalty to be paid. When a person charged
23 with a violation for which stipulation of guilt or no contest is authorized makes a
24 timely stipulation, pays the required penalty and pays the penalty assessment
25 imposed by s. 757.05, the law enforcement training fund assessment imposed by s.

1 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime laboratories and
2 drug law enforcement assessment imposed by s. 165.755, any applicable consumer
3 ~~information~~ ^{protection} assessment imposed by s. 100.261, and any applicable domestic abuse
4 assessment imposed by s. 973.055 (1) to the designated official, the person need not
5 appear in court and no witness fees or other additional costs may be taxed unless the
6 local ordinance so provides. A court appearance is required for a violation of a local
7 ordinance in conformity with s. 346.63 (1).

INSERT 23-7

8 SECTION 38. 66.0114 (1) (bm) of the statutes is amended to read:

9 66.0114 (1) (bm) The official receiving the penalties shall remit all moneys
10 collected to the treasurer of the city, village, town sanitary district, or public inland
11 lake protection and rehabilitation district in whose behalf the sum was paid, except
12 that all jail assessments shall be remitted to the county treasurer, within 20 days
13 after its receipt by the official. If timely remittance is not made, the treasurer may
14 collect the payment of the officer by action, in the name of the office, and upon the
15 official bond of the officer, with interest at the rate of 12% per year from the date on
16 which it was due. In the case of the penalty assessment imposed by s. 757.05, the
17 law enforcement training fund assessment imposed by s. 165.87 (1), the crime
18 laboratories and drug law enforcement assessment imposed by s. 165.755, the driver
19 improvement surcharge imposed by s. 346.655 (1), any applicable consumer
20 ~~information~~ ^{protection} assessment imposed by s. 100.261, and any applicable domestic abuse
21 assessment imposed by s. 973.055 (1), the treasurer of the city, village, town sanitary
22 district, or public inland lake protection and rehabilitation district shall remit to the
23 state treasurer the amount required by law to be paid on the actions entered during
24 the preceding month on or before the first day of the next succeeding month. The
25 governing body of the city, village, town sanitary district, or public inland lake

1 protection and rehabilitation district shall by ordinance designate the official to
2 receive the penalties and the terms under which the official qualifies.

3 ~~SECTION 39.~~ **INSERT 24-2**

SECTION 39. 66.0114 (3) (b) of the statutes is amended to read:

4 66.0114 (3) (b) All forfeitures and penalties recovered for the violation of an
5 ordinance or bylaw of a city, village, town, town sanitary district, or public inland
6 lake protection and rehabilitation district shall be paid into the city, village, town,
7 town sanitary district, or public inland lake protection and rehabilitation district
8 treasury for the use of the city, village, town, town sanitary district, or public inland
9 lake protection and rehabilitation district, except as provided in par. (c), and sub. (1)
10 (bm) ~~and s. 757.05~~. The judge shall report and pay into the treasury, quarterly, or
11 at more frequent intervals if required, all moneys collected belonging to the city,
12 village, town, town sanitary district, or public inland lake protection and
13 rehabilitation district. The report shall be certified and filed in the office of the
14 treasurer. The judge is entitled to duplicate receipts, one of which he or she shall file
15 with the city, village, or town clerk, or with the town sanitary district or the public
16 inland lake protection and rehabilitation district.

17 SECTION 40. 102.85 (5) (a) of the statutes is amended to read:

18 102.85 (5) (a) The payment of any judgment under this section may be
19 suspended or deferred for not more than 90 days in the discretion of the court. The
20 court shall suspend a judgment under this section upon the motion of the
21 department, if the department is satisfied that the employer's violation of s. 102.16
22 (3) or 102.28 (2) was beyond the employer's control and that the employer no longer
23 violates s. 102.16 (3) or 102.28 (2). In cases where a deposit has been made, any
24 forfeitures, penalty assessments, law enforcement training fund assessments, jail

1 assessments, uninsured employer assessments, and costs shall be taken out of the
2 deposit and the balance, if any, returned to the employer.

3 **SECTION 41.** 102.87 (2) (e) of the statutes is amended to read:

4 102.87 (2) (e) The maximum forfeiture, penalty assessment, law enforcement
5 training fund assessment, jail assessment, crime laboratories and drug law
6 enforcement assessment, and any applicable uninsured employer assessment for
7 which the defendant is liable.

8 **SECTION 42.** 102.87 (2) (g) of the statutes is amended to read:

9 102.87 (2) (g) Notice that if the defendant makes a deposit and fails to appear
10 in court at the time specified in the citation, the failure to appear will be considered
11 tender of a plea of no contest and submission to a forfeiture, penalty assessment, law
12 enforcement training fund assessment, jail assessment, crime laboratories and drug
13 law enforcement assessment, and any applicable uninsured employer assessment
14 plus costs not to exceed the amount of the deposit. The notice shall also state that
15 the court, instead of accepting the deposit and plea, may decide to summon the
16 defendant or may issue an arrest warrant for the defendant upon failure to respond
17 to a summons.

18 **SECTION 43.** 102.87 (2) (h) of the statutes is amended to read:

19 102.87 (2) (h) Notice that if the defendant makes a deposit and signs the
20 stipulation, the stipulation will be treated as a plea of no contest and submission to
21 a forfeiture, penalty assessment, law enforcement training fund assessment, jail
22 assessment, crime laboratories and drug law enforcement assessment, and any
23 applicable uninsured employer assessment plus costs not to exceed the amount of the
24 deposit. The notice shall also state that the court, instead of accepting the deposit
25 and stipulation, may decide to summon the defendant or issue an arrest warrant for

1 the defendant upon failure to respond to a summons, and that the defendant may,
2 at any time before or at the time of the court appearance date, move the court for
3 relief from the effect of the stipulation.

4 **SECTION 44.** 102.87 (3) of the statutes is amended to read:

5 102.87 (3) A defendant issued a citation under this section may deposit the
6 amount of money that the issuing department deputy or officer directs by mailing or
7 delivering the deposit and a copy of the citation before the court appearance date to
8 the clerk of the circuit court in the county where the violation occurred, to the
9 department, or to the sheriff's office or police headquarters of the officer who issued
10 the citation. The basic amount of the deposit shall be determined under a deposit
11 schedule established by the judicial conference. The judicial conference shall
12 annually review and revise the schedule. In addition to the basic amount determined
13 by the schedule the deposit shall include the penalty assessment, law enforcement
14 training fund assessment, jail assessment, crime laboratories and drug law
15 enforcement assessment, any applicable uninsured employer assessment, and costs.

16 **SECTION 45.** 102.87 (4) of the statutes is amended to read:

17 102.87 (4) A defendant may make a stipulation of no contest by submitting a
18 deposit and a stipulation in the manner provided by sub. (3) before the court
19 appearance date. The signed stipulation is a plea of no contest and submission to a
20 forfeiture plus the penalty assessment, law enforcement training fund assessment,
21 jail assessment, crime laboratories and drug law enforcement assessment, any
22 applicable uninsured employers assessment, and costs not to exceed the amount of
23 the deposit.

24 **SECTION 46.** 102.87 (5) of the statutes is amended to read:

1 102.87 (5) Except as provided by sub. (6), a person receiving a deposit shall
2 prepare a receipt in triplicate showing the purpose for which the deposit is made,
3 stating that the defendant may inquire at the office of the clerk of the circuit court
4 regarding the disposition of the deposit, and notifying the defendant that if he or she
5 fails to appear in court at the time specified in the citation he or she shall be
6 considered to have tendered a plea of no contest and submitted to a forfeiture,
7 penalty assessment, law enforcement training fund assessment, jail assessment,
8 crime laboratories and drug law enforcement assessment, and any applicable
9 uninsured employer assessment plus costs not to exceed the amount of the deposit
10 and that the court may accept the plea. The original of the receipt shall be delivered
11 to the defendant in person or by mail. If the defendant pays by check, the canceled
12 check is the receipt.

13 **SECTION 47.** 102.87 (6) of the statutes is amended to read:

14 102.87 (6) The person receiving a deposit and stipulation of no contest shall
15 prepare a receipt in triplicate showing the purpose for which the deposit is made,
16 stating that the defendant may inquire at the office of the clerk of the circuit court
17 regarding the disposition of the deposit, and notifying the defendant that if the
18 stipulation of no contest is accepted by the court the defendant will be considered to
19 have submitted to a forfeiture, penalty assessment, law enforcement training fund
20 assessment, jail assessment, crime laboratories and drug law enforcement
21 assessment, and applicable uninsured employer assessment plus costs not to exceed
22 the amount of the deposit. Delivery of the receipt shall be made in the same manner
23 as provided in sub. (5).

24 **SECTION 48.** 102.87 (7) (b) of the statutes is amended to read:

1 102.87 (7) (b) If the defendant has made a deposit, the citation may serve as
2 the initial pleading and the defendant shall be considered to have tendered a plea
3 of no contest and submitted to a forfeiture, penalty assessment, law enforcement
4 training fund assessment, jail assessment, crime laboratories and drug law
5 enforcement assessment, and any applicable uninsured employer assessment plus
6 costs not to exceed the amount of the deposit. The court may either accept the plea
7 of no contest and enter judgment accordingly, or reject the plea and issue a summons.
8 If the defendant fails to appear in response to the summons, the court shall issue an
9 arrest warrant. If the court accepts the plea of no contest, the defendant may, within
10 90 days after the date set for appearance, move to withdraw the plea of no contest,
11 open the judgment, and enter a plea of not guilty if the defendant shows to the
12 satisfaction of the court that failure to appear was due to mistake, inadvertence,
13 surprise, or excusable neglect. If a defendant is relieved from the plea of no contest,
14 the court may order a written complaint or petition to be filed. If on reopening the
15 defendant is found not guilty, the court shall delete the record of conviction and shall
16 order the defendant's deposit returned.

17 **SECTION 49.** 102.87 (7) (c) of the statutes is amended to read:

18 102.87 (7) (c) If the defendant has made a deposit and stipulation of no contest,
19 the citation serves as the initial pleading and the defendant shall be considered to
20 have tendered a plea of no contest and submitted to a forfeiture, penalty assessment,
21 law enforcement training fund assessment, jail assessment, crime laboratories and
22 drug law enforcement assessment, and any applicable uninsured employer
23 assessment plus costs not to exceed the amount of the deposit. The court may either
24 accept the plea of no contest and enter judgment accordingly, or reject the plea and
25 issue a summons or an arrest warrant. After signing a stipulation of no contest, the

1 defendant may, at any time before or at the time of the court appearance date, move
2 the court for relief from the effect of the stipulation. The court may act on the motion,
3 with or without notice, for cause shown by affidavit and upon just terms, and relieve
4 the defendant from the stipulation and the effects of the stipulation.

5 **SECTION 50.** 102.87 (9) of the statutes is amended to read:

6 102.87 (9) A department deputy or an officer who collects a forfeiture, penalty
7 assessment, law enforcement training fund assessment, jail assessment, crime
8 laboratories and drug law enforcement assessment, applicable uninsured employer
9 assessment, and costs under this section shall pay the money to the county treasurer
10 within 20 days after its receipt. If the department deputy or officer fails to make
11 timely payment, the county treasurer may collect the payment from the department
12 deputy or officer by an action in the treasurer's name of office and upon the official
13 bond of the department deputy or officer, with interest at the rate of 12% per year
14 from the time when it should have been paid.

15 **SECTION 51.** 165.755 (4) of the statutes is amended to read:

16 165.755 (4) If a municipal court imposes a forfeiture, after determining the
17 amount due under sub. (1) (a) the court shall collect and transmit such amount to the
18 treasurer of the county, city, town or village, and that treasurer shall make payment
19 to the state treasurer as provided in s. 66.0114 (1) (b) (bm).

20 **SECTION 52.** 165.87 of the statutes is created to read:

21 **165.87 Law enforcement training fund assessment.** (1) LEVY OF
22 ASSESSMENT (a) Whenever a court imposes a fine or forfeiture for a violation of state
23 law or for a violation of a municipal or county ordinance except for a violation of s.
24 101.123 (2) (a), (am) 1., (ar), or (bm) or (5) or state laws or municipal or county
25 ordinances involving nonmoving traffic violations or safety belt use violations under

1 s. 347.48 (2m), there shall be imposed in addition a law enforcement training fund
2 assessment in an amount of 11% of the fine or forfeiture imposed. If multiple offenses
3 are involved, the assessment shall be based upon the total fine or forfeiture for all
4 offenses. When a fine or forfeiture is suspended in whole or in part, the assessment
5 shall be reduced in proportion to the suspension.

6 (b) If a fine or forfeiture is imposed by a court of record, after a determination
7 by the court of the amount due, the clerk of the court shall collect and transmit the
8 amount to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer
9 shall then make payment to the state treasurer as provided in s. 59.25 (3) (f) 2.

10 (c) If a fine or forfeiture is imposed by a municipal court, after a determination
11 by the court of the amount due, the court shall collect and transmit the amount to
12 the treasurer of the county, city, town, or village, and that treasurer shall make
13 payment to the state treasurer as provided in s. 66.0114 (1) (bm).

14 (d) If any deposit of bail is made for a noncriminal offense to which this
15 subsection applies, the person making the deposit shall also deposit a sufficient
16 amount to include the assessment prescribed in this subsection for forfeited bail. If
17 bail is forfeited, the amount of the assessment shall be transmitted monthly to the
18 state treasurer under this subsection. If bail is returned, the assessment shall also
19 be returned.

20 **SECTION 53.** 345.26 (1) (b) 1. of the statutes is amended to read:

21 345.26 (1) (b) 1. If the person makes a deposit for a violation of a traffic
22 regulation, the person need not appear in court at the time fixed in the citation, and
23 the person will be deemed to have tendered a plea of no contest and submitted to a
24 forfeiture and a penalty assessment, if required by s. 757.05, a law enforcement
25 training fund assessment, if required by s. 165.87 (1), a jail assessment, if required

1 by s. 302.46 (1), a railroad crossing improvement assessment, if required by s.
2 346.177, 346.495 or 346.65 (4r), and a crime laboratories and drug law enforcement
3 assessment, if required by s. 165.755, plus any applicable fees prescribed in ch. 814,
4 not to exceed the amount of the deposit that the court may accept as provided in s.
5 345.37; and

6 **SECTION 54.** 345.26 (2) (b) of the statutes is amended to read:

7 345.26 (2) (b) In addition to the amount in par. (a), the deposit shall include
8 court costs, including any applicable fees prescribed in ch. 814, any applicable
9 penalty assessment, any applicable law enforcement training fund assessment, any
10 applicable jail assessment, any applicable railroad crossing improvement
11 assessment, and any applicable crime laboratories and drug law enforcement
12 assessment.

13 **SECTION 55.** 345.36 (2) (b) of the statutes is amended to read:

14 345.36 (2) (b) Deem the nonappearance a plea of no contest and enter judgment
15 accordingly. If the defendant has posted bond for appearance at that date, the court
16 may also order the bond forfeited. The court shall promptly mail a copy of the
17 judgment to the defendant. The judgment shall allow not less than 20 days from the
18 date thereof for payment of any forfeiture, penalty assessment, law enforcement
19 training fund assessment, jail assessment, railroad crossing improvement
20 assessment, crime laboratories and drug law enforcement assessment, and costs
21 imposed. If the defendant moves to open the judgment within 20 days after the date
22 set for trial, and shows to the satisfaction of the court that the failure to appear was
23 due to mistake, inadvertence, surprise, or excusable neglect, the court shall open the
24 judgment, reinstate the not guilty plea, and set a new trial date. The court may

1 impose costs under s. 814.07. The court shall immediately notify the department to
2 delete the record of conviction based upon the original judgment.

3 **SECTION 56.** 345.37 (1) (b) of the statutes is amended to read:

4 345.37 (1) (b) Deem the nonappearance a plea of no contest and enter judgment
5 accordingly. If the defendant has posted bond for appearance at that date, the court
6 may also order the bond forfeited. The court shall promptly mail a copy or notice of
7 the judgment to the defendant. The judgment shall allow not less than 20 days from
8 the date thereof for payment of any forfeiture, penalty assessment, law enforcement
9 training fund assessment, railroad crossing improvement assessment, crime
10 laboratories and drug law enforcement assessment, and costs imposed. If the
11 defendant moves to open the judgment within 6 months after the court appearance
12 date fixed in the citation, and shows to the satisfaction of the court that the failure
13 to appear was due to mistake, inadvertence, surprise, or excusable neglect, the court
14 shall open the judgment, accept a not guilty plea, and set a trial date. The court may
15 impose costs under s. 814.07. The court shall immediately notify the department to
16 delete the record of conviction based upon the original judgment. If the offense
17 involved is a nonmoving traffic violation and the defendant is subject to s. 345.28 (5)
18 (c), a default judgment may be entered and opened as provided in s. 345.28 (5) (c).

19 **SECTION 57.** 345.37 (2) of the statutes is amended to read:

20 345.37 (2) If the defendant has made a deposit under s. 345.26, the citation may
21 serve as the initial pleading and the defendant shall be deemed to have tendered a
22 plea of no contest and submitted to a forfeiture and a penalty assessment, if required
23 by s. 757.05, a law enforcement training fund assessment, if required by s. 165.87 (1),
24 a jail assessment, if required by s. 302.46 (1), a railroad crossing improvement
25 assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a crime laboratories

1 and drug law enforcement assessment, if required by s. 165.755, plus costs, including
2 any applicable fees prescribed in ch. 814, not exceeding the amount of the deposit.
3 The court may either accept the plea of no contest and enter judgment accordingly,
4 or reject the plea and issue a summons under ch. 968. If the defendant fails to appear
5 in response to the summons, the court shall issue a warrant under ch. 968. If the
6 court accepts the plea of no contest, the defendant may move within 6 months after
7 the date set for the appearance to withdraw the plea of no contest, open the judgment,
8 and enter a plea of not guilty upon a showing to the satisfaction of the court that the
9 failure to appear was due to mistake, inadvertence, surprise, or excusable neglect.
10 If on reopening the defendant is found not guilty, the court shall immediately notify
11 the department to delete the record of conviction based on the original proceeding
12 and shall order the defendant's deposit returned.

13 **SECTION 58.** 345.37 (5) of the statutes is amended to read:

14 345.37 (5) Within 5 working days after forfeiture of deposit or entry of default
15 judgment, the official receiving the forfeiture, the penalty assessment, if required by
16 s. 757.05, the law enforcement training fund assessment, if required by s. 165.87 (1),
17 the jail assessment, if required by s. 302.46 (1), the railroad crossing improvement
18 assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the crime
19 laboratories and drug law enforcement assessment, if required by s. 165.755, shall
20 forward to the department a certification of the entry of default judgment or a
21 judgment of forfeiture.

22 **SECTION 59.** 345.375 (2) of the statutes is amended to read:

23 345.375 (2) Upon default of the defendant corporation or limited liability
24 company or upon conviction, judgment for the amount of the forfeiture, the penalty
25 assessment, if required under s. 757.05, the law enforcement training fund

1 assessment, if required under s. 165.87 (1), the jail assessment, if required by s.
2 302.46 (1), and the crime laboratories and drug law enforcement assessment, if
3 required under s. 165.755, shall be entered.

4 **SECTION 60.** 345.47 (1) (intro.) of the statutes is amended to read:

5 345.47 (1) (intro.) If the defendant is found guilty, the court may enter
6 judgment against the defendant for a monetary amount not to exceed the maximum
7 forfeiture, penalty assessment, if required by s. 757.05, the law enforcement training
8 fund assessment, if required by s. 165.87 (1), the jail assessment, if required by s.
9 302.46 (1), the railroad crossing improvement assessment, if required by s. 346.177,
10 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement
11 assessment, if required by s. 165.755, provided for the violation and for costs under
12 s. 345.53 and, in addition, may suspend or revoke his or her operating privilege under
13 s. 343.30. If the judgment is not paid, the court shall order:

14 **SECTION 61.** 345.47 (1) (b) of the statutes is amended to read:

15 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension
16 or revocation, that the defendant's operating privilege be suspended. The operating
17 privilege shall be suspended for 30 days or until the person pays the forfeiture, the
18 penalty assessment, if required by s. 757.05, the law enforcement training fund
19 assessment, if required by s. 165.87 (1), the jail assessment, if required by s. 302.46
20 (1), the railroad crossing improvement assessment, if required by s. 346.177, 346.495
21 or 346.65 (4r), and the crime laboratories and drug law enforcement assessment, if
22 required by s. 165.755, but not to exceed 2 years. Suspension under this paragraph
23 shall not affect the power of the court to suspend or revoke under s. 343.30 or the
24 power of the secretary to suspend or revoke the operating privilege. This paragraph

1 does not apply if the judgment was entered solely for violation of an ordinance
2 unrelated to the violator's operation of a motor vehicle.

3 **SECTION 62.** 345.47 (1) (c) of the statutes is amended to read:

4 345.47 (1) (c) If a court or judge suspends an operating privilege under this
5 section, the court or judge shall immediately take possession of the suspended license
6 and shall forward it to the department together with the notice of suspension, which
7 shall clearly state that the suspension was for failure to pay a forfeiture, a penalty
8 assessment, if required by s. 757.05, a law enforcement training fund assessment,
9 if required by s. 165.87 (1), a jail assessment, if required by s. 302.46 (1), a railroad
10 crossing improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r),
11 and a crime laboratories and drug law enforcement assessment, if required by s.
12 165.755, imposed by the court. The notice of suspension and the suspended license,
13 if it is available, shall be forwarded to the department within 48 hours after the order
14 of suspension. If the forfeiture, penalty assessment, law enforcement training fund
15 assessment, jail assessment, railroad crossing improvement assessment, and crime
16 laboratories and drug law enforcement assessment are paid during a period of
17 suspension, the court or judge shall immediately notify the department. Upon
18 receipt of the notice and payment of the reinstatement fee under s. 343.21 (1) (j), the
19 department shall return the surrendered license.

20 **SECTION 63.** 345.47 (2) of the statutes is amended to read:

21 345.47 (2) The payment of any judgment may be suspended or deferred for not
22 more than 60 days in the discretion of the court. In cases where a deposit has been
23 made, any forfeitures, penalty assessments, law enforcement training fund
24 assessments, jail assessments, railroad crossing improvement assessments, crime

1 laboratories and drug law enforcement assessments, and costs shall be taken out of
2 the deposit and the balance, if any, returned to the defendant.

3 **SECTION 64.** 345.47 (3) of the statutes is amended to read:

4 345.47 (3) When a defendant is imprisoned for nonpayment of a forfeiture, a
5 penalty assessment, a law enforcement training fund assessment, a jail assessment,
6 a railroad crossing improvement assessment, or a crime laboratories and drug law
7 enforcement assessment for an action brought by a municipality located in more
8 than one county, any commitment to a county institution shall be to the county in
9 which the action was tried.

10 **SECTION 65.** 345.49 (1) of the statutes is amended to read:

11 345.49 (1) Any person imprisoned under s. 345.47 for nonpayment of a
12 forfeiture, a penalty assessment, if required by s. 757.05, a law enforcement training
13 fund assessment, if required by s. 165.87 (1), a jail assessment, if required by s.
14 302.46 (1), a railroad crossing improvement assessment, if required by s. 346.177,
15 346.495 or 346.65 (4r), or a crime laboratories and drug law enforcement assessment,
16 if required by s. 165.755, may, on request, be allowed to work under s. 303.08. If the
17 person does work, earnings shall be applied on the unpaid forfeiture, penalty
18 assessment, law enforcement training fund assessment, jail assessment, railroad
19 crossing improvement assessment, or crime laboratories and drug law enforcement
20 assessment after payment of personal board and expenses and support of personal
21 dependents to the extent directed by the court.

22 **SECTION 66.** 345.49 (2) of the statutes is amended to read:

23 345.49 (2) Any person who is subject to imprisonment under s. 345.47 for
24 nonpayment of a forfeiture, penalty assessment, law enforcement training fund
25 assessment, jail assessment, railroad crossing improvement assessment, or crime

1 laboratories and drug law enforcement assessment may be placed on probation to
2 some person satisfactory to the court for not more than 90 days or until the forfeiture,
3 penalty assessment, law enforcement training fund assessment, jail assessment,
4 railroad crossing improvement assessment, or crime laboratories and drug law
5 enforcement assessment is paid if that is done before expiration of the 90-day period.
6 The payment of the forfeiture, penalty assessment, law enforcement training fund
7 assessment, jail assessment, railroad crossing improvement assessment, or crime
8 laboratories and drug law enforcement assessment during that period shall be a
9 condition of the probation. If the forfeiture, penalty assessment, law enforcement
10 training fund assessment, jail assessment, railroad crossing improvement
11 assessment, or crime laboratories and drug law enforcement assessment is not paid
12 or the court deems that the interests of justice require, probation may be terminated
13 and the defendant imprisoned as provided in sub. (1) or s. 345.47.

14 SECTION 67. 345.61 (2) (c) of the statutes is amended to read:

15 345.61 (2) (c) "Guaranteed arrest bond certificate" as used in this section means
16 any printed card or other certificate issued by an automobile club, association or
17 insurance company to any of its members or insureds, which card or certificate is
18 signed by the member or insureds and contains a printed statement that the
19 automobile club, association or insurance company and a surety company, or an
20 insurance company authorized to transact both automobile liability insurance and
21 surety business, guarantee the appearance of the persons whose signature appears
22 on the card or certificate and that they will in the event of failure of the person to
23 appear in court at the time of trial, pay any fine or forfeiture imposed on the person,
24 including the penalty assessment required by s. 757.05, the law enforcement
25 training fund assessment required by s. 165.87 (1), the jail assessment required by

1 s. 302.46 (1), the railroad crossing improvement assessment required by s. 346.177,
2 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement
3 assessment required by s. 165.755, in an amount not exceeding \$200, or \$1,000 as
4 provided in sub. (1) (b).

5 **SECTION 68.** 346.655 (1) of the statutes is amended to read:

6 346.655 (1) If a court imposes a fine or a forfeiture for a violation of s. 346.63
7 (1) or (5), or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25,
8 or s. 940.09 where the offense involved the use of a vehicle, it shall impose a driver
9 improvement surcharge in an amount of \$345 in addition to the fine or forfeiture,
10 penalty assessment, law enforcement training fund assessment, jail assessment,
11 and crime laboratories and drug law enforcement assessment.

12 **SECTION 69.** 346.655 (2) (b) of the statutes is amended to read:

13 346.655 (2) (b) If the forfeiture is imposed by a municipal court, the court shall
14 transmit the amount to the treasurer of the county, city, town, or village, and that
15 treasurer shall make payment of 38.5% of the amount to the state treasurer as
16 provided in s. 66.0114 (1) (b) (bm). The treasurer of the city, town, or village shall
17 transmit the remaining 61.5% of the amount to the treasurer of the county.

18 **SECTION 70.** 757.05 (1) (a) of the statutes is amended to read:

19 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of
20 state law or for a violation of a municipal or county ordinance except for a violation
21 of s. 101.123 (2) (a), (am) 1., (ar), or (bm) or (5) or state laws or municipal or county
22 ordinances involving nonmoving traffic violations or safety belt use violations under
23 s. 347.48 (2m), there shall be imposed in addition a penalty assessment in an amount
24 of ~~23%~~ 13% of the fine or forfeiture imposed. If multiple offenses are involved, the
25 penalty assessment shall be based upon the total fine or forfeiture for all offenses.

1 When a fine or forfeiture is suspended in whole or in part, the penalty assessment
2 shall be reduced in proportion to the suspension.

3 **SECTION 71.** 757.05 (1) (b) of the statutes is amended to read:

4 757.05 (1) (b) If a fine or forfeiture is imposed by a court of record, after a
5 determination by the court of the amount due, the clerk of the court shall collect and
6 transmit ~~such~~ the amount to the county treasurer as provided in s. 59.40 (2) (m). The
7 county treasurer shall then make payment to the state treasurer as provided in s.
8 59.25 (3) (f) 2.

9 **SECTION 72.** 757.05 (1) (c) of the statutes is amended to read:

10 757.05 (1) (c) If a fine or forfeiture is imposed by a municipal court, after a
11 determination by the court of the amount due, the court shall collect and transmit
12 ~~such~~ the amount to the treasurer of the county, city, town, or village, and that
13 treasurer shall make payment to the state treasurer as provided in s. 66.0114 (1) (b)
14 (biii).

15 **SECTION 73.** 757.05 (1) (d) of the statutes is amended to read:

16 757.05 (1) (d) If any deposit of bail is made for a noncriminal offense to which
17 this ~~section~~ subsection applies, the person making the deposit shall also deposit a
18 sufficient amount to include the assessment prescribed in this ~~section~~ subsection for
19 forfeited bail. If bail is forfeited, the amount of the assessment shall be transmitted
20 monthly to the state treasurer under this ~~section~~ subsection. If bail is returned, the
21 assessment shall also be returned.

22 **SECTION 74.** 757.05 (2) (title) of the statutes is repealed.

23 **SECTION 75.** 757.05 (2) (a) of the statutes is renumbered 165.87 (2) and
24 amended to read:

1 **165.87 (2) ~~LAW ENFORCEMENT TRAINING FUND~~ USE OF ASSESSMENT MONEYS.**

2 ~~Twenty seven fifty-fifths of all~~ All moneys collected from penalty law enforcement
3 training fund assessments under sub. (1) shall be credited to the appropriation
4 account under s. 20.455 (2) (i) and utilized in accordance with ss. 20.455 (2) and
5 165.85 (5). The moneys credited to the appropriation account under s. 20.455 (2) (i),
6 except for the moneys transferred to s. 20.455 (2) (jb), constitute the law enforcement
7 training fund.

8 **SECTION 76.** 757.05 (2) (b) of the statutes is renumbered 757.05 (2) and
9 amended to read:

10 **757.05 (2) ~~OTHER PURPOSES~~ USE OF PENALTY ASSESSMENT MONEYS.** The moneys
11 collected from penalty assessments under sub. (1) ~~that remain after crediting the~~
12 ~~appropriation account specified in par. (a)~~ shall be credited to the appropriation
13 account under s. 20.505 (6) (j) and transferred as provided under s. 20.505 (6) (j).

14 **SECTION 77.** 778.02 of the statutes is amended to read:

15 **778.02 Action in name of state; complaint; attachment.** Every such
16 forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to
17 allege in the complaint that the defendant is indebted to the plaintiff in the amount
18 of the forfeiture claimed, according to the provisions of the statute that imposes it,
19 specifying the statute and for the penalty assessment imposed by s. 757.05, the law
20 enforcement training fund assessment imposed by s. 165.87 (1), the jail assessment
21 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
22 assessment imposed by s. 165.755, the enforcement assessment imposed under s.
23 253.06 (4) (c) or (5) (c), any applicable consumer information ^{protection} assessment imposed by
24 s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1).
25 If the statute imposes a forfeiture for several offenses or delinquencies the complaint

1 shall specify the particular offense or delinquency for which the action is brought,
 2 with a demand for judgment for the amount of the forfeiture, penalty assessment,
 3 law enforcement training fund assessment, jail assessment, crime laboratories and
 4 drug law enforcement assessment, any applicable enforcement assessment, any
 5 applicable consumer ~~information~~^{protection} assessment, and any applicable domestic abuse
 6 assessment. If the defendant is a nonresident of the state, an attachment may issue.

7 **SECTION 78.** 778.03 of the statutes is amended to read:

8 **778.03 Complaint to recover forfeited goods.** In an action to recover
 9 property forfeited by any statute it shall be sufficient to allege in the complaint that
 10 the property has been forfeited, specifying the statute, with a demand of judgment
 11 for the delivery of the property, or the value thereof and for payment of the penalty
 12 assessment imposed by s. 757.05, the law enforcement training fund assessment
 13 imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime
 14 laboratories and drug law enforcement assessment imposed by s. 165.755, the
 15 enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable
 16 consumer ~~information~~^{protection} assessment imposed by s. 100.261, and any applicable
 17 domestic abuse assessment imposed by s. 973.055 (1).

18 **SECTION 79.** 778.06 of the statutes is amended to read:

19 **778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a
 20 specific sum or when it is not less than one sum or more than another, the action may
 21 be brought for the highest sum specified and for the penalty assessment imposed by
 22 s. 757.05, the law enforcement training fund assessment imposed by s. 165.87 (1), the
 23 jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law
 24 enforcement assessment imposed by s. 165.755, the enforcement assessment
 25 imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer ~~information~~^{protection}.

1 assessment imposed by s. 100.261, and any applicable domestic abuse assessment
2 imposed by s. 973.055 (1); and judgment may be rendered for such sum as the court
3 or jury shall assess or determine to be proportionate to the offense.

4 **SECTION 80.** 778.10 of the statutes is amended to read:

5 **778.10 Municipal forfeitures, how recovered.** All forfeitures imposed by
6 any ordinance or regulation of any county, town, city, or village, or of any other
7 domestic corporation may be sued for and recovered, under this chapter, in the name
8 of the county, town, city, village, or corporation. It is sufficient to allege in the
9 complaint that the defendant is indebted to the plaintiff in the amount of the
10 forfeiture claimed, specifying the ordinance or regulation that imposes it and of the
11 penalty assessment imposed by s. 757.05, the law enforcement training fund
12 assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the
13 crime laboratories and drug law enforcement assessment imposed by s. 165.755, any
14 applicable consumer ~~information~~^{protection} assessment imposed by s. 100.261, and any
15 applicable domestic abuse assessment imposed by s. 973.055 (1). If the ordinance or
16 regulation imposes a penalty or forfeiture for several offenses or delinquencies the
17 complaint shall specify the particular offenses or delinquency for which the action
18 is brought, with a demand for judgment for the amount of the forfeiture, the penalty
19 assessment imposed by s. 757.05, the law enforcement training fund assessment
20 imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime
21 laboratories and drug law enforcement assessment imposed by s. 165.755, any
22 applicable consumer ~~information~~^{protection} assessment imposed by s. 100.261, and any
23 applicable domestic abuse assessment imposed by s. 973.055 (1). All moneys
24 collected on the judgment shall be paid to the treasurer of the county, town, city,

1 village, or corporation, except that all jail assessments shall be paid to the county

2 ~~treasurer~~

3 ~~INSERT 43-2~~

3 SECTION 81. 778.105 of the statutes is amended to read:

4 **778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by
5 any court or any branch thereof for the violation of any municipal or county
6 ordinance shall be paid to the municipality or county. Penalty assessment payments
7 shall be made as provided in s. 757.05. Law enforcement training fund assessment
8 payments shall be made as provided in s. 165.87 (1). Jail assessment payments shall
9 be made as provided in s. 302.46 (1). Crime laboratories and drug law enforcement
10 assessment payments shall be paid as provided in s. 165.755. Domestic abuse
11 assessments shall be made as provided in s. 973.055. Consumer ~~information~~ ^{protection}
12 assessment payments shall be made as provided in s. 100.261.

13 ~~INSERT 43-12~~
13 SECTION 82. 778.13 of the statutes is amended to read:

14 **778.13 Forfeitures collected, to whom paid.** All moneys collected in favor
15 of the state for forfeiture, except the portion to be paid to any person who sues with
16 the state, shall be paid by the officer who collects the forfeiture to the treasurer of the
17 county within which the forfeiture was incurred within 20 days after its receipt. In
18 case of any failure in the payment the county treasurer may collect the payment of
19 the officer by action, in the name of the office and upon the official bond of the officer,
20 with interest at the rate of 12% per year from the time when it should have been paid.
21 Penalty assessment payments shall be made as provided in s. 757.05. Law
22 enforcement training fund assessment payments shall be made as provided in s.
23 165.87 (1). Jail assessment payments shall be made as provided in s. 302.46 (1).
24 Crime laboratories and drug law enforcement assessment payments shall be paid as
25 provided in s. 165.755. Domestic abuse assessments shall be made as provided in s.

1 973.055. Enforcement assessments shall be made as provided in s. 253.06 (4) (c).

2 Consumer ~~information~~^{protection} assessment payments shall be made as provided in s.

3 100.261

4 INSERT 44-3

SECTION 83. 778.18 of the statutes is amended to read:

5 **778.18 Penalty upon municipal judge.** If any municipal judge, of his or her

6 own will, dismisses any action brought before the judge under this chapter, unless

7 by order of the district attorney or attorney general or the person joined as plaintiff

8 with the state, or renders a less judgment therein than is prescribed by law, or

9 releases or discharges any such judgment or part thereof without payment or

10 collection, the judge and the judge's sureties shall be liable, in an action upon the

11 judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture

12 imposed by the judge and for the penalty assessment imposed by s. 757.05, the law

13 enforcement training fund assessment imposed by s. 165.87 (1), the jail assessment

14 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement

15 assessment imposed by s. 165.755, any applicable consumer ~~information~~^{protection} assessment

16 imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s.

17 973.055 (1), or for an amount equal to the amount in which any such judgment or any

18 part thereof is released or discharged. If any municipal judge gives time or delay to

19 any person against whom any such judgment is rendered by the judge, or takes any

20 bond or security for its future payment, the judge and the judge's sureties shall also

21 be liable for the payment of the judgment upon the judge's bond.

22 INSERT 44-21
SECTION 84. 778.25 (2) (g) of the statutes is amended to read:

23 778.25 (2) (g) Notice that, if the defendant makes a deposit and fails to appear

24 in court at the time fixed in the citation, the failure to appear will be considered

25 tender of a plea of no contest and submission to a forfeiture, penalty assessment, law

1 enforcement training fund assessment, jail assessment, and crime laboratories and
2 drug law enforcement assessment plus costs, including any applicable fees
3 prescribed in ch. 814, not to exceed the amount of the deposit. The notice shall also
4 state that the court may decide to summon the defendant or, if the defendant is an
5 adult, issue an arrest warrant for the defendant rather than accept the deposit and
6 plea.

7 **SECTION 85.** 778.25 (3) of the statutes is amended to read:

8 778.25 (3) If a person is issued a citation under this section the person may
9 deposit the amount of money the issuing agent or officer directs by mailing or
10 delivering the deposit and a copy of the citation to the clerk of court of the county
11 where the violation occurred or the office or headquarters of the agent or officer who
12 issued the citation prior to the court appearance date. The basic amount of the
13 deposit shall be determined under a deposit schedule established by the judicial
14 conference. The judicial conference shall annually review and revise the schedule.
15 In addition to the basic amount determined by the schedule the deposit shall include
16 costs, including any applicable fees prescribed in ch. 814, penalty assessment, law
17 enforcement training fund assessment, jail assessment, and crime laboratories and
18 drug law enforcement assessment.

19 **SECTION 86.** 778.25 (5) of the statutes is amended to read:

20 778.25 (5) A person receiving a deposit shall prepare a receipt in triplicate
21 showing the purpose for which the deposit is made, stating that the defendant may
22 inquire at the office of the clerk of court regarding the disposition of the deposit, and
23 notifying the defendant that if he or she fails to appear in court at the time fixed in
24 the citation he or she will be deemed to have tendered a plea of no contest and
25 submitted to a forfeiture, penalty assessment, law enforcement training fund

1 assessment, jail assessment, and crime laboratories and drug law enforcement
2 assessment plus costs, including any applicable fees prescribed in ch. 814, not to
3 exceed the amount of the deposit which the court may accept. The original of the
4 receipt shall be delivered to the defendant in person or by mail. If the defendant pays
5 by check, the check is the receipt.

6 **SECTION 87.** 778.25 (8) (b) of the statutes is amended to read:

7 778.25 (8) (b) If the defendant has made a deposit, the citation may serve as
8 the initial pleading and the defendant shall be considered to have tendered a plea
9 of no contest and submitted to a forfeiture, penalty assessment, law enforcement
10 training fund assessment, jail assessment, and crime laboratories and drug law
11 enforcement assessment plus costs, including any applicable fees prescribed in ch.
12 814, not exceeding the amount of the deposit. The court may either accept the plea
13 of no contest and enter judgment accordingly, or reject the plea and issue a summons
14 or arrest warrant, except if the defendant is a minor the court shall proceed under
15 s. 938.28. Chapter 938 governs taking and holding a minor in custody. If the court
16 accepts the plea of no contest, the defendant may move within 90 days after the date
17 set for appearance to withdraw the plea of no contest, open the judgment, and enter
18 a plea of not guilty if the defendant shows to the satisfaction of the court that failure
19 to appear was due to mistake, inadvertence, surprise, or excusable neglect. If a party
20 is relieved from the plea of no contest, the court or judge may order a written
21 complaint or petition to be filed. If on reopening the defendant is found not guilty,
22 the court shall delete the record of conviction and shall order the defendant's deposit
23 returned.

24 **SECTION 88.** 778.25 (10) of the statutes is amended to read:

1 778.25 (10) An officer collecting moneys for a forfeiture, penalty assessment,
2 law enforcement training fund assessment, jail assessment, crime laboratories and
3 drug law enforcement assessment, and costs under this section shall pay the same
4 to the appropriate municipal or county treasurer within 20 days after its receipt by
5 the officer, except that all jail assessments shall be paid to the county treasurer. If
6 the officer fails to make timely payment, the municipal or county treasurer may
7 collect the payment from the officer by an action in the treasurer's name of office and
8 upon the official bond of the officer, with interest at the rate of 12% per year from the
9 time when it should have been paid.

10 **SECTION 89.** 778.26 (2) (e) of the statutes is amended to read:

11 778.26 (2) (e) The maximum forfeiture, penalty assessment, law enforcement
12 training fund assessment, jail assessment, and crime laboratories and drug law
13 enforcement assessment for which the defendant is liable.

14 **SECTION 90.** 778.26 (2) (g) of the statutes is amended to read:

15 778.26 (2) (g) Notice that, if the defendant makes a deposit and fails to appear
16 in court at the time specified in the citation, the failure to appear will be considered
17 tender of a plea of no contest and submission to a forfeiture, penalty assessment, law
18 enforcement training fund assessment, jail assessment, and crime laboratories and
19 drug law enforcement assessment plus costs not to exceed the amount of the deposit.
20 The notice shall also state that the court, instead of accepting the deposit and plea,
21 may decide to summon the defendant or may issue an arrest warrant for the
22 defendant upon failure to respond to a summons.

23 **SECTION 91.** 778.26 (2) (h) of the statutes is amended to read:

24 778.26 (2) (h) Notice that, if the defendant makes a deposit and signs the
25 stipulation, the stipulation will be treated as a plea of no contest and submission to

1 a forfeiture, penalty assessment, law enforcement training fund assessment, jail
2 assessment, and crime laboratories and drug law enforcement assessment plus costs
3 not to exceed the amount of the deposit. The notice shall also state that the court,
4 instead of accepting the deposit and stipulation, may decide to summon the
5 defendant or issue an arrest warrant for the defendant upon failure to respond to a
6 summons, and that the defendant may, at any time prior to or at the time of the court
7 appearance date, move the court for relief from the effect of the stipulation.

8 **SECTION 92.** 778.26 (3) of the statutes is amended to read:

9 778.26 (3) A defendant issued a citation under this section may deposit the
10 amount of money the issuing officer directs by mailing or delivering the deposit and
11 a copy of the citation prior to the court appearance date to the clerk of the circuit court
12 in the county where the violation occurred or to the sheriff's office or police
13 headquarters of the officer who issued the citation. The basic amount of the deposit
14 shall be determined under a deposit schedule established by the judicial conference.
15 The judicial conference shall annually review and revise the schedule. In addition
16 to the basic amount determined by the schedule the deposit shall include the penalty
17 assessment, law enforcement training fund assessment, jail assessment, crime
18 laboratories and drug law enforcement assessment, and costs.

19 **SECTION 93.** 778.26 (4) of the statutes is amended to read:

20 778.26 (4) A defendant may make a stipulation of no contest by submitting a
21 deposit and a stipulation in the manner provided by sub. (3) prior to the court
22 appearance date. The signed stipulation is a plea of no contest and submission to a
23 forfeiture plus the penalty assessment, law enforcement training fund assessment,
24 jail assessment, crime laboratories and drug law enforcement assessment, and costs
25 not to exceed the amount of the deposit.

1 **SECTION 94.** 778.26 (5) of the statutes is amended to read:

2 778.26 (5) Except as provided by sub. (6), a person receiving a deposit shall
3 prepare a receipt in triplicate showing the purpose for which the deposit is made,
4 stating that the defendant may inquire at the office of the clerk of the circuit court
5 regarding the disposition of the deposit, and notifying the defendant that if he or she
6 fails to appear in court at the time specified in the citation he or she shall be
7 considered to have tendered a plea of no contest and submitted to a forfeiture,
8 penalty assessment, law enforcement training fund assessment, jail assessment,
9 and crime laboratories and drug law enforcement assessment plus costs not to exceed
10 the amount of the deposit and that the court may accept the plea. The original of the
11 receipt shall be delivered to the defendant in person or by mail. If the defendant pays
12 by check, the canceled check is the receipt.

13 **SECTION 95.** 778.26 (6) of the statutes is amended to read:

14 778.26 (6) The person receiving a deposit and stipulation of no contest shall
15 prepare a receipt in triplicate showing the purpose for which the deposit is made,
16 stating that the defendant may inquire at the office of the clerk of the circuit court
17 regarding the disposition of the deposit, and notifying the defendant that if the
18 stipulation of no contest is accepted by the court the defendant will be considered to
19 have submitted to a forfeiture, penalty assessment, law enforcement training fund
20 assessment, jail assessment, and crime laboratories and drug law enforcement
21 assessment plus costs not to exceed the amount of the deposit. Delivery of the receipt
22 shall be made in the same manner as provided in sub. (5).

23 **SECTION 96.** 778.26 (7) (b) of the statutes is amended to read:

24 778.26 (7) (b) If the defendant has made a deposit, the citation may serve as
25 the initial pleading and the defendant shall be considered to have tendered a plea

1 of no contest and submitted to a forfeiture, penalty assessment, law enforcement
2 training fund assessment, jail assessment, and crime laboratories and drug law
3 enforcement assessment plus costs not to exceed the amount of the deposit. The court
4 may either accept the plea of no contest and enter judgment accordingly, or reject the
5 plea and issue a summons. If the defendant fails to appear in response to the
6 summons, the court shall issue an arrest warrant. If the court accepts the plea of no
7 contest, the defendant may, within 90 days after the date set for appearance, move
8 to withdraw the plea of no contest, open the judgment, and enter a plea of not guilty
9 if the defendant shows to the satisfaction of the court that failure to appear was due
10 to mistake, inadvertence, surprise, or excusable neglect. If a defendant is relieved
11 from the plea of no contest, the court may order a written complaint or petition to be
12 filed. If on reopening the defendant is found not guilty, the court shall delete the
13 record of conviction and shall order the defendant's deposit returned.

14 **SECTION 97.** 778.26 (7) (c) of the statutes is amended to read:

15 778.26 (7) (c) If the defendant has made a deposit and stipulation of no contest,
16 the citation serves as the initial pleading and the defendant shall be considered to
17 have tendered a plea of no contest and submitted to a forfeiture, penalty assessment,
18 law enforcement training fund assessment, jail assessment, and crime laboratories
19 and drug law enforcement assessment plus costs not to exceed the amount of the
20 deposit. The court may either accept the plea of no contest and enter judgment
21 accordingly, or reject the plea and issue a summons or an arrest warrant. After
22 signing a stipulation of no contest, the defendant may, at any time prior to or at the
23 time of the court appearance date, move the court for relief from the effect of the
24 stipulation. The court may act on the motion, with or without notice, for cause shown

1 by affidavit and upon just terms, and relieve the defendant from the stipulation and
2 the effects of the stipulation.

3 SECTION 98. 778.26 (9) of the statutes is amended to read:

4 778.26 (9) An officer who collects a forfeiture, penalty assessment, law
5 enforcement training fund assessment, jail assessment, and crime laboratories and
6 drug law enforcement assessment and costs under this section shall pay the money
7 to the county treasurer within 20 days after its receipt. If the officer fails to make
8 timely payment, the county treasurer may collect the payment from the officer by an
9 action in the treasurer's name of office and upon the official bond of the officer, with
10 interest at the rate of 12% per year from the time when it should have been paid.

11 SECTION 99. 800.02 (2) (a) 8. of the statutes is amended to read:

12 800.02 (2) (a) 8. Notice that, if the defendant makes a deposit and fails to
13 appear in court at the time fixed in the citation, the defendant is deemed to have
14 tendered a plea of no contest and submits to a forfeiture, penalty assessment, law
15 enforcement training fund assessment, jail assessment, and crime laboratories and
16 drug law enforcement assessment, any applicable consumer ~~information~~ ^{protection}
17 assessment, and any applicable domestic abuse assessment plus costs, including the
18 fee prescribed in s. 814.65 (1), not to exceed the amount of the deposit. The notice
19 shall also state that the court may decide to summon the defendant rather than
20 accept the deposit and plea.

21 **INSERT 51-20** SECTION 100. 800.02 (3) (a) 5. of the statutes is amended to read:

22 800.02 (3) (a) 5. A plain and concise statement of the violation identifying the
23 event or occurrence from which the violation arose and showing that the plaintiff is
24 entitled to relief, the ordinance, resolution or bylaw upon which the cause of action
25 is based and a demand for a forfeiture, the amount of which shall not exceed the

1 maximum set by the statute involved, the penalty assessment, the law enforcement
2 training fund assessment, the jail assessment, the crime laboratories and drug law
3 enforcement assessment, any applicable consumer ~~information~~^{protection} assessment, any
4 applicable domestic abuse assessment, and such other relief that is sought by the
5 plaintiff.

6 INSERT 52-5

SECTION 101. 800.03 (3) of the statutes is amended to read:

7 800.03 (3) The amount of the deposit shall be set by the municipal judge, but
8 shall not be effective until approved by the governing body of the municipality. The
9 amount shall not exceed the maximum penalty for the offense, including any penalty
10 assessment that would be applicable under s. 757.05, any law enforcement training
11 fund assessment that would be applicable under s. 165.87 (1), any jail assessment
12 that would be applicable under s. 302.46 (1), any crime laboratories and drug law
13 enforcement assessment that would be applicable under s. 165.755, any consumer
14 ~~information~~^{protection} assessment that would be applicable under s. 100.261, and any domestic
15 abuse assessment that would be applicable under s. 973.055 (1), plus court costs,
16 including the fee prescribed in s. 814.65 (1).

17 INSERT 52-16

SECTION 102. 800.04 (2) (b) of the statutes is amended to read:

18 800.04 (2) (b) If the municipal judge determines that the defendant should not
19 be released under par. (a) and the defendant is charged with a traffic or boating
20 violation, the municipal judge shall release the defendant on a deposit in the amount
21 established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66.
22 For other violations, the municipal judge shall establish a deposit in an amount not
23 to exceed the maximum penalty for the offense, including any penalty assessment
24 that would be applicable under s. 757.05, any law enforcement training fund
25 assessment that would be applicable under s. 165.87 (1), any jail assessment that

1 would be applicable under s. 302.46 (1), any crime laboratories and drug law
2 enforcement assessment that would be applicable under s. 165.755, any consumer
3 ~~information~~ ^{protection} assessment that would be applicable under s. 100.261, and any domestic
4 abuse assessment that would be applicable under s. 973.055 (1). If the judge in a 1st
5 class city determines that a defendant appearing before the judge through
6 interactive video and audio transmission should not be released under par. (a), the
7 judge shall inform the defendant that he or she has the right to appear personally
8 before a judge for a determination, not prejudiced by the first appearance, as to
9 whether he or she should be released without a deposit. On failure of the defendant
10 to make a deposit under this paragraph, he or she may be committed to jail pending
11 trial only if the judge finds that there is a reasonable basis to believe the person will
12 not appear in court.

INSERT 53-12

13 SECTION 103. 800.04 (2) (c) of the statutes is amended to read:

14 800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03
15 and does not appear, he or she is deemed to have tendered a plea of no contest and
16 submits to a forfeiture, a penalty assessment imposed by s. 757.05, a law
17 enforcement training fund assessment imposed by s. 165.87 (1), a jail assessment
18 imposed by s. 302.46 (1), a crime laboratories and drug law enforcement assessment
19 imposed by s. 165.755, any applicable consumer ~~information~~ ^{protection} assessment imposed by
20 s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1)
21 plus costs, including the fee prescribed in s. 814.65 (1), not exceeding the amount of
22 the deposit. The court may either accept the plea of no contest and enter judgment
23 accordingly, or reject the plea and issue a summons. If the court finds that the
24 violation meets the conditions in s. 800.093 (1), the court may summon the alleged
25 violator into court to determine if restitution shall be ordered under s. 800.093. If

1 the defendant fails to appear in response to the summons, the court shall issue a
2 warrant under s. 968.09. If the defendant has made a deposit but does appear, the
3 court shall allow the defendant to withdraw the plea of no contest.

4 INSERT 54-3

4 SECTION 104. 800.09 (1) (intro.) of the statutes is amended to read:

5 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it
6 may render judgment by ordering restitution under s. 800.093 and payment of a
7 forfeiture, the penalty assessment imposed by s. 757.05, the law enforcement
8 training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by
9 s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed
10 by s. 165.755, any applicable consumer information ^{protection} assessment imposed by s.
11 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1)
12 plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The court shall
13 apply any payment received on a judgment that includes restitution to first satisfy
14 any payment of restitution ordered, then to pay the forfeiture, assessments, and
15 costs. If the judgment is not paid, the court may proceed under par. (a), (b), or (c) or
16 any combination of those paragraphs, as follows:

17 INSERT 54-16

17 SECTION 105. 800.09 (1) (a) of the statutes is amended to read:

18 800.09 (1) (a) The court may defer payment of any judgment or provide for
19 instalment payments. At the time the judgment is rendered, the court shall inform
20 the defendant, orally and in writing, of the date by which restitution and the
21 payment of the forfeiture, the penalty assessment, the law enforcement training
22 fund assessment, the jail assessment, the crime laboratories and drug law
23 enforcement assessment, any applicable consumer information ^{protection} assessment, and any
24 applicable domestic abuse assessment plus costs must be made, and of the possible
25 consequences of failure to do so in timely fashion, including imprisonment, as

1 provided in s. 800.095, or suspension of the defendant's motor vehicle operating
2 privilege, as provided in par. (c), if applicable. If the defendant is not present, the
3 court shall ensure that the information is sent to the defendant by mail. In 1st class
4 cities, all of the written information required by this paragraph shall be printed in
5 English and Spanish and provided to each defendant.

INSERT 55-5

6 SECTION 106. 800.09 (2) (b) of the statutes is amended to read:

7 800.09 (2) (b) If the person charged fails to appear personally or by an attorney
8 at the time fixed for hearing of the case, the defendant may be deemed to have
9 entered a plea of no contest and the money deposited, if any, or such portion thereof
10 as the court determines to be an adequate penalty, plus the penalty assessment, the
11 law enforcement training fund assessment, the jail assessment, the crime
12 laboratories and drug law enforcement assessment, any applicable consumer
13 ~~information~~ ^{protection} assessment, and any applicable domestic abuse assessment plus costs,
14 including the fee prescribed in s. 814.65 (1), may be declared forfeited by the court
15 or may be ordered applied upon the payment of any penalty which may be imposed,
16 together with the penalty assessment, the law enforcement training fund
17 assessment, the jail assessment, the crime laboratories and drug law enforcement
18 assessment, any applicable consumer ~~information~~ ^{protection} assessment, and any applicable
19 domestic abuse assessment plus costs. If the court finds that the violation meets the
20 conditions in s. 800.093 (1), the court may summon the alleged violator into court to
21 determine if restitution shall be ordered under s. 800.093. Any money remaining
22 after payment of any penalties, assessments, costs, and restitution shall be refunded
23 to the person who made the deposit.

INSERT 55-23

24 SECTION 107. 800.10 (2) of the statutes is amended to read:

1 800.10 (2) All forfeitures, fees, penalty assessments, law enforcement training
2 fund assessments, crime laboratories and drug law enforcement assessments,
3 consumer ~~information~~ ^{protection} assessments, domestic abuse assessments, and costs paid to
4 a municipal court under a judgment before a municipal judge shall be paid to the
5 municipal treasurer within 7 days after receipt of the money by a municipal judge
6 or other court personnel. At the time of the payment, the municipal judge shall
7 report to the municipal treasurer the title of the action, the offense for which a
8 forfeiture was imposed and the total amount of the forfeiture, fees, penalty
9 assessments, law enforcement training fund assessments, crime laboratories and
10 drug law enforcement assessments, consumer ~~information~~ ^{protection} assessments, domestic
11 abuse assessments, and costs, if any. The treasurer shall disburse the fees as
12 provided in s. 814.65 (1). All jail assessments paid to a municipal court under a
13 judgment before a municipal judge shall be paid to the county treasurer within 7
14 days after receipt of the money by a municipal judge or other court personnel.

INSERT 56-14

15 SECTION 108. 800.12 (2) of the statutes is amended to read:

16 800.12 (2) A municipality may by ordinance provide that a municipal judge
17 may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50
18 or, upon nonpayment of the forfeiture, penalty assessment under s. 757.05, law
19 enforcement training fund assessment under s. 165.87 (1), jail assessment under s.
20 302.46, crime laboratories and drug law enforcement assessment under s. 165.755,
21 any applicable consumer ~~information~~ ^{protection} assessment under s. 100.261, and any
22 applicable domestic abuse assessment under s. 973.055 (1), a jail sentence not to
23 exceed 7 days.

INSERT 56-23

24 SECTION 109. 814.60 (2) (ad) of the statutes is created to read:

1 814.60 (2) (ad) Law enforcement training fund assessment imposed by s.
2 165.87 (1).

3 **SECTION 110.** 814.63 (3) (ad) of the statutes is created to read:

4 814.63 (3) (ad) Law enforcement training fund assessment imposed by s.
5 165.87 (1).

6 **SECTION 111.** 938.237 (2) of the statutes is amended to read:

7 938.237 (2) The procedures for issuance and filing of a citation, and for
8 forfeitures, stipulations and deposits in ss. 23.50 to 23.67, 23.75 (3) and (4), 66.0113
9 [s. 66.0114], 778.25, 778.26, and 800.01 to 800.04 except s. 800.04 (2) (b), when the
10 citation is issued by a law enforcement officer, shall be used as appropriate, except
11 that this chapter shall govern taking and holding a juvenile in custody, s. 938.37 shall
12 govern costs, penalty assessments, law enforcement training fund assessments, and
13 jail assessments, and a capias shall be substituted for an arrest warrant. Sections
14 66.0113 (3) (c) and (d), 66.0317 (1) [s. 66.0114 (1)] and 778.10 as they relate to
15 collection of forfeitures do not apply.

16 **SECTION 112.** 938.37 (3) of the statutes is amended to read:

17 938.37 (3) Notwithstanding sub. (1), courts of civil and criminal jurisdiction
18 exercising jurisdiction under s. 938.17 may assess the same costs, penalty
19 assessments, law enforcement training fund assessments, and jail assessments
20 against juveniles as they may assess against adults, except that witness fees may not
21 be charged to the juvenile.

22 **SECTION 113.** 961.41 (5) (a) of the statutes is amended to read:

23 961.41 (5) (a) When a court imposes a fine for a violation of this section, it shall
24 also impose a drug abuse program improvement surcharge in an amount of 50% of

1 the fine and, penalty assessment, and law enforcement training fund assessment
2 imposed.

3 SECTION 114. 973.05 (1) of the statutes is amended to read:

4 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant
5 permission for the payment of the fine, of the penalty assessment imposed by s.
6 757.05, the law enforcement training fund assessment imposed by s. 165.87 (1), the
7 jail assessment imposed by s. 302.46 (1), the crime victim and witness assistance
8 surcharge under s. 973.045, the crime laboratories and drug law enforcement
9 assessment imposed by s. 165.755, any applicable deoxyribonucleic acid analysis
10 surcharge under s. 973.046, any applicable drug abuse program improvement
11 surcharge imposed by s. 961.41 (5), any applicable consumer ^{protection} information assessment
12 imposed by s. 100.261, any applicable domestic abuse assessment imposed by s.
13 971.37 (1m) (c) 1. or 973.055, any applicable driver improvement surcharge imposed
14 by s. 346.655, any applicable enforcement assessment imposed by s. 253.06 (4) (c),
15 any applicable weapons assessment imposed by s. 167.31, any applicable uninsured
16 employer assessment imposed by s. 102.85 (4), any applicable environmental
17 assessment imposed by s. 299.93, any applicable wild animal protection assessment
18 imposed by s. 29.983, any applicable natural resources assessment imposed by s.
19 29.987, and any applicable natural resources restitution payment imposed by s.
20 29.989 to be made within a period not to exceed 60 days. If no such permission is
21 embodied in the sentence, the fine, the penalty assessment, the law enforcement
22 training fund assessment, the jail assessment, the crime victim and witness
23 assistance surcharge, the crime laboratories and drug law enforcement assessment,
24 any applicable deoxyribonucleic acid analysis surcharge, any applicable drug abuse
25 program improvement surcharge, any applicable consumer ^{protection} information assessment,

1 any applicable domestic abuse assessment, any applicable driver improvement
2 surcharge, any applicable enforcement assessment, any applicable weapons
3 assessment, any applicable uninsured employer assessment, any applicable
4 environmental assessment, any applicable wild animal protection assessment, any
5 applicable natural resources assessment, and any applicable natural resources
6 restitution payment shall be payable immediately.

7 **SECTION 115.** 973.05 (2) of the statutes is amended to read:

8 973.05 (2) When a defendant is sentenced to pay a fine and is also placed on
9 probation, the court may make the payment of the fine, the penalty assessment, the
10 law enforcement training fund assessment, the jail assessment, the crime victim and
11 witness assistance surcharge, the crime laboratories and drug law enforcement
12 assessment, any applicable deoxyribonucleic acid analysis surcharge, any applicable
13 drug abuse program improvement surcharge, any applicable consumer ~~information~~ ^{protection}
14 assessment, any applicable domestic abuse assessment, any applicable uninsured
15 employer assessment, any applicable driver improvement surcharge, any applicable
16 enforcement assessment under s. 253.06 (4) (c), any applicable weapons assessment,
17 any applicable environmental assessment, any applicable wild animal protection
18 assessment, any applicable natural resources assessment, and any applicable
19 natural resources restitution payments a condition of probation. When the
20 payments are made a condition of probation by the court, payments thereon shall be
21 applied first to payment of the penalty assessment until paid in full, shall then be
22 applied to the law enforcement training fund assessment until paid in full, shall then
23 be applied to the payment of the jail assessment until paid in full, shall then be
24 applied to the payment of part A of the crime victim and witness assistance surcharge
25 until paid in full, shall then be applied to part B of the crime victim and witness

1 assistance surcharge until paid in full, shall then be applied to the crime laboratories
2 and drug law enforcement assessment until paid in full, shall then be applied to the
3 deoxyribonucleic acid analysis surcharge until paid in full, shall then be applied to
4 the drug abuse improvement surcharge until paid in full, shall then be applied to
5 payment of the driver improvement surcharge until paid in full, shall then be applied
6 to payment of the domestic abuse assessment until paid in full, shall then be applied
7 to payment of the consumer ~~information~~^{protection} assessment until paid in full, shall then be
8 applied to payment of the natural resources assessment if applicable until paid in
9 full, shall then be applied to payment of the natural resources restitution payment
10 until paid in full, shall then be applied to the payment of the environmental
11 assessment if applicable until paid in full, shall then be applied to the payment of the
12 wild animal protection assessment if applicable until paid in full, shall then be
13 applied to payment of the weapons assessment until paid in full, shall then be
14 applied to payment of the uninsured employer assessment until paid in full, shall
15 then be applied to payment of the enforcement assessment under s. 253.06 (4) (c), if
16 applicable, until paid in full, and shall then be applied to payment of the fine.

17 ~~SECTION 116.~~ ^{INSERT 60-16} 973.055 (2) (b) of the statutes is amended to read:

18 973.055 (2) (b) If the assessment is imposed by a municipal court, after a
19 determination by the court of the amount due, the court shall collect and transmit
20 the amount to the treasurer of the county, city, town, or village, and that treasurer
21 shall make payment to the state treasurer as provided in s. 66.0114 (1) ~~(b)~~ (bm).

22 SECTION 117. 973.07 of the statutes is amended to read:

23 973.07 Failure to pay fine or costs or to comply with certain
24 community service work. If the fine, costs, penalty assessment, law enforcement
25 training fund assessment, jail assessment, crime victim and witness assistance

1 surcharge, crime laboratories and drug law enforcement assessment, applicable
2 deoxyribonucleic acid analysis surcharge, applicable drug abuse program
3 improvement surcharge, applicable consumer ~~information~~^{protection} assessment, applicable
4 domestic abuse assessment, applicable driver improvement surcharge, applicable
5 enforcement assessment under s. 253.06 (4) (c), applicable weapons assessment,
6 applicable uninsured employer assessment, applicable environmental assessment,
7 applicable wild animal protection assessment, applicable natural resources
8 assessment, and applicable natural resources restitution payments are not paid or
9 community service work under s. 943.017 (3) is not completed as required by the
10 sentence, the defendant may be committed to the county jail until the fine, costs,
11 penalty assessment, law enforcement training fund assessment, jail assessment,
12 crime victim and witness assistance surcharge, crime laboratories and drug law
13 enforcement assessment, applicable deoxyribonucleic acid analysis surcharge,
14 applicable drug abuse program improvement surcharge, applicable consumer
15 ~~information~~^{protection} assessment, applicable domestic abuse assessment, applicable driver
16 improvement surcharge, applicable enforcement assessment under s. 253.06 (4) (c),
17 applicable weapons assessment, applicable uninsured employer assessment,
18 applicable environmental assessment, applicable wild animal protection
19 assessment, applicable natural resources assessment or applicable natural
20 resources restitution payments are paid or discharged, or the community service
21 work under s. 943.017 (3) is completed, for a period fixed by the court not to exceed

22 ~~6 months~~

INSERT 61-22

23 SECTION 118. 1999 Wisconsin Act 9, section 9201 (2m) is repealed.

24 SECTION 119. 1999 Wisconsin Act 9, section 9201 (2n) is repealed.

25 SECTION 120. 1999 Wisconsin Act 9, section 9201 (2p) is repealed.

1 **SECTION 121.** 1999 Wisconsin Act 9, section 9211 (title) and (2g) are repealed.

2 **SECTION 122.** 1999 Wisconsin Act 9, section 9230 (title) and (1) are repealed.

3 **SECTION 123.** 1999 Wisconsin Act 9, section 9230 (2m) is repealed.

4 **SECTION 124.** 1999 Wisconsin Act 9, section 9230 (3m) is repealed.

5 **SECTION 125.** 1999 Wisconsin Act 9, section 9238 (title) and (1h) are repealed.

6 **SECTION 126.** 1999 Wisconsin Act 9, section 9239 (title) and (1h) are repealed.

7 ~~**SECTION 127.** 1999 Wisconsin Act 9, section 9239 (2h) is repealed.~~

INSERT 62-7

8

(END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1394/lins
RLR:kmg:kjf

1 **Insert at 16 after 21:**

***NOTE: This is reconciled s. 59.25 (3) (f) 2. This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

2

3 **Insert at 17 after 25:**

***NOTE: This is reconciled s. 59.40 (2) (m). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

4

5 **Insert at 18 after 10:**

***NOTE: This is reconciled s. 66.0113 (1) (b) 7. c. This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

6

7 **Insert at 18 after 21:**

***NOTE: This is reconciled s. 66.0113 (1) (b) 7. d. This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

8

9 **Insert at 19 after 7:**

***NOTE: This is reconciled s. 66.0113 (1) (c). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

10

11 **Insert at 19 after 6:**

***NOTE: This is reconciled s. 66.0113 (3) (a). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

12

13 **Insert at 20 after 6:**

***NOTE: This is reconciled s. 66.0113 (3) (b). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

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15 **Insert at 21 after 14:**

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***NOTE: This is reconciled s. 66.0113 (3) (c). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

✓
Insert at 22 after 17:

***NOTE: This is reconciled s. 66.0113 (3) (d). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

✓
Insert at 23 after 7:

***NOTE: This is reconciled s. 66.0114 (1) (b). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

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Insert at 24 after 2:

***NOTE: This is reconciled s. 66.0114 (1) (bm). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

✓
Insert at 41 after 5:

***NOTE: This is reconciled s. 778.02. This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

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Insert at 41 after 17:

***NOTE: This is reconciled s. 778.03. This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

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Insert at 42 after 3:

***NOTE: This is reconciled s. 778.06. This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

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Insert at 43 after 2:

***NOTE: This is reconciled s. 778.10. This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

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Insert at 43 after 12:

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***NOTE: This is reconciled s. 778.105. This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

✓
Insert at 44 after 3;

***NOTE: This is reconciled s. 778.13. This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

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Insert at 44 after 21:

***NOTE: This is reconciled s. 778.18. This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

✓
Insert at 51 after 20:

***NOTE: This is reconciled s. 800.02 (2) (a) 8. This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

✓
Insert at 52 after 5:

***NOTE: This is reconciled s. 800.02 (3) (a) 5. This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

✓
Insert at 52 after 16:

***NOTE: This is reconciled s. 800.03 (3). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

✓
Insert at 53 after 12:

***NOTE: This is reconciled s. 800.04 (2) (b). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

✓
Insert at 54 after 3:

***NOTE: This is reconciled s. 800.04 (2) (c). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

✓
Insert at 54 after 16:

***NOTE: This is reconciled s. 800.09 (1) (intro.). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

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Insert at 55 after 5:

***NOTE: This is reconciled s. 800.09 (1) (a). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

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Insert at 55 after 23:

***NOTE: This is reconciled s. 800.09 (2) (b). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

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✓
Insert at 56 after 14:

***NOTE: This is reconciled s. 800.10 (2). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

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✓
Insert at 56 after 23:

***NOTE: This is reconciled s. 800.12 (2). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

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✓
Insert at 59 after 6:

***NOTE: This is reconciled s. 973.05 (1). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

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✓
Insert at 60 after 16:

***NOTE: This is reconciled s. 973.05 (2). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

13

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✓
Insert at 61 after 22:

***NOTE: This is reconciled s. 973.07. This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

15

16

✓
Insert at 62 after 7:

SECTION 9201. Appropriation changes; administration.

section of the statutes

(1) PENALTY ASSESSMENT RECEIPTS. The department of administration shall transfer from the appropriation account under ~~20.505~~ (6) (j) (intro.) to the appropriation account under ~~20.455~~ (2) (i), *20.455* twenty-seven fifty-fifths of moneys received in fiscal year 2001-02 from the penalty assessment surcharge under ~~757.05~~ (2) (b), 1999 stats., on court fines and forfeitures for violations that occur before the effective date of this subsection.

section

SECTION 9359. Initial applicability; other.

(1) PENALTY ASSESSMENT AND LAW ENFORCEMENT TRAINING FUND ASSESSMENT. The treatment of sections 23.50 (1), (2), and (3), 23.51 (3t) and (8), 23.53 (1), 23.54 (3) (e), (i), and (j), 23.55 (1) (b), 23.66 (2) and (4), 23.67 (2) and (3), 23.75 (3) (a) 2., (b), and (c), 23.79 (1), 23.80 (2), 23.84, 23.85, 48.37 (2), 59.25 (3) (f) 2., 59.40 (2) (m), 66.0113 (1) (b) 7. c. and d. *and* (c) (3) (a), (b), (c), and (d), 66.0114 (1) (b) and (bm), 102.85 (5) (a), 102.87 (2) (e), (g), and (h), (3), (4), (5), (6), (7) (b) and (c), and (9), 165.87 (title) and (1) (a), (b), (c), and (d), 345.26 (1) (b) 1. and (2) (b), 345.36 (2) (b), 345.37 (1) (b), (2), and (5), 345.375 (2), 345.47 (1) (intro.), (b), and (c), (2), and (3), 345.49 (1) and (2), 345.61 (2) (c), 346.655 (1) and (2) (b), 757.05 (1) (a), (b), (c), and (d) *and* (2) (title), 778.02, 778.03, 778.06, 778.10, 778.105, 778.13, 778.18, 778.25 (2) (g), (3), (5), (8) (b), and (10), 778.26 (2) (e), (g), and (h), 778.26 (3), (4), (5), (6), (7) (b) and (c), and (9), 800.02 (2) (a) 8. and (3) (a) 5., 800.03 (3), 800.04 (2) (b) and (c), 800.09 (1) (intro.) and (a) and (2) (b), 800.10 (2), 800.12 (2), 814.60 (2) (ad), 814.63 (3) (ad), 938.237 (2), 938.37 (3), 961.41 (5) (a), 973.05 (1) and (2), 973.055 (2) (b), and 973.07 of the statutes (with respect to treatment of the penalty assessment and the law enforcement training fund assessment); and the renumbering and amendment of ~~757.05~~ (2) (a) and (b) of the statutes *section* first *apply* to penalty assessments and law enforcement training fund assessments imposed on the effective date of this subsection.

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1394/1dn

RLR:.....
hmg

Andrew Statz and Jim Matson,

This draft reconciles LRB-0454, and LRB-1394. Both of these drafts should continue to appear in the compiled bill.

The draft also adds an initial applicability provision for the division of the 23 percent penalty assessment into a 13 percent penalty assessment and an 11 percent law enforcement training fund assessment. As requested by DOA, changes to the penalty assessment and the creation of the law enforcement training fund assessment first apply to penalty assessments and law enforcement training fund assessments imposed on the effective date of the budget. A court may find that this initial applicability provision renders the bill an unconstitutional ex post facto law as applied to fines and forfeitures imposed for violations that occur before the effective date of the budget bill.

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