

06/27/2001 10:21:53 AM

Page 1

2001 DRAFTING REQUEST**Assembly Amendment (AA-ASA1-SB55)**Received: **06/21/2001**Received By: **phurley**Wanted: **As time permits**

Identical to LRB:

For: **Assembly Republican Caucus**By/Representing: **Raschka**This file may be shown to any legislator: **NO**Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**Extra Copies: **TNF, ARG, MGD**Submit via email: **NO**

Requester's email:

Pre Topic:

ARC:.....Raschka - AM1,

Topic:

Suspension of a juvenile's operating privilege

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	phurley 06/22/2001	wjackson 06/22/2001	pgreensl 06/22/2001	_____	lrb_docadmin 06/22/2001		
/2	phurley 06/27/2001	wjackson 06/27/2001	rschluet 06/27/2001	_____	lrb_docadmin 06/27/2001		

FE Sent For:

<END>

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/1	phurley 06/22/2001	wjackson 06/22/2001	pgreensl 06/22/2001	_____	lrb_docadmin 06/22/2001		

FE Sent For:

1/2 WLJ 6/27

AC Kf

6-22-01 <END>

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/1	phurley	1 wj 6/22	pg pg	6/22 pg/ch			

FE Sent For:

<END>

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

Statement of Intent Reestablishing Court Authority to Suspend or Revoke a Juvenile's Driver's License for Failure to Pay Non-Driving Forfeitures.

Legislator	Ladwig	Amendment	1
Legislator 2		Pass or Fail	Pass
Legislator 3		Spending Cut	
Legislator 4		Withdrawn	
Staff contact	Janine	Package	
Agency	Circuit Courts		

Summary Permit circuit courts and municipal courts to suspend the operating privilege of a juvenile (a person under 17 years of age who is alleged to have committed a crime or, if no crime is alleged, a person under 18 years of age) solely because the juvenile has not paid a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle.

This motion is identical to AB 5 which passed the Assembly on February 20, 2001 by a vote of 78-18.

This authority, as well as adult driver's license suspension, was taken away from the courts in the 1999-2001 state budget during conference committee deliberations. Since it went into effect in December, 1999 local law enforcement officials report that juveniles are "snubbing their noses at the law" because they know there are no strong consequences for not paying fines. While other alternatives do exist for judges to sanction juveniles who fail to pay a fine, many judges and law enforcement officials feel that a driver's license suspension is the most effective penalty. A driver's license is not something juveniles need, it is something they want.

There are many interest groups in support of AB 5.

Fiscal Impact A fiscal estimate prepared by the Department of Transportation (DOT), signifies that the State would incur a total cost of \$18,500 for data entry.

A general fiscal estimate prepared by the Director of State Courts estimates this motion will save both court time and help collect revenue from outstanding fines and forfeitures.

When this provision was introduced as AB 648 in the 1999-2000 session, a fiscal estimate prepared by the DOT signified that the Department would need an additional 5.4 full-time positions if the failure to pay forfeitures program (FPF) was reinstated for juveniles. This would be a total cost of \$34,000.

When this provision was eliminated in the 1999-2001 state budget, DOT only cut its position for this entire program by 2 full time positions. It seemed unnecessary that DOT needed to more than double the positions they lost while the bill only restored the juvenile component of the FPF program.

While working with the DOT this session on AB 5, the fiscal estimate was reduced to \$18,500 with an amendment that put the effective date of the bill at October 1, 2001. DOT plans to partially automate the FPF data collection process by this date which would reduce the amount of positions needed. Since DOT never eliminated all their positions for the FPF program in 1999, the DOT should be able to absorb the \$18,500 cost of this amendment.

Request # 48

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

Drafting Inst

ARC Analyst Raschka

Request #

48

Wednesday, June 20, 2001

Page 2 of 13

2001

Date (time) needed _____

LRB b 1310 1 1

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

PVH : Wlj : _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

↓ #. Page 1219, line 21.: after that line, insert: ↑ Insert 1219.21

↓ #. Page 1223, line 7.: after that line, insert: ↓ Insert 1223.7

↓ #. Page 1409, line 12.: after that line, insert: ↓ Insert 1409.12

↓ #. Page 1425, line 13.: after that line, insert: " (5) ^{plain} SUSPENSION OF JUVENILE SV OPERATING PRIVILEGES. The treatment of sections 938.17(2)(a), 938.34(8), and 938.343(2) of the statutes and section 9352(4) of this act take effect on October 1, 2001, or on the first day of the first month beginning after publication, whichever is later. (5) "

#. Page . . . , line . . . : (END)

#. Page . . . , line . . . :

ASSEMBLY BILL 5

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:

Insert 1219.21

SECTION 938.17 (2) (d) of the statutes is amended to read:

3878

938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal ordinance other than an ordinance enacted under s. 118.163 or an ordinance that conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2) or 961.575 (2), the court shall enter any of the dispositional orders permitted under s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture imposed by the municipal court, the court may not impose a jail sentence but may suspend any license issued under ch. 29 for not less than 30 days nor more than 5 years, or, ~~unless the forfeiture was imposed for violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years.~~

More than 2 years

If a court suspends a license or privilege under this section, the court shall immediately take possession of the applicable license and forward it to the department that issued the license, together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the period of suspension, the court shall immediately notify the department, which shall thereupon return the license to the person.

Insert 1223.7 p 1 of 3

SECTION 938.34 (8) of the statutes, as affected by 1999 Wisconsin Act 185, is amended to read:

3894

938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that this disposition is in the best interest of the juvenile and in aid of rehabilitation. The

ASSEMBLY BILL 5

Insert 1223.7 p 2 of 3:

1 maximum forfeiture that the court may impose under this subsection for a violation
2 by a juvenile is the maximum amount of the fine that may be imposed on an adult
3 for committing that violation or, if the violation is applicable only to a person under
4 18 years of age, \$100. Any such order shall include a finding that the juvenile alone
5 is financially able to pay the forfeiture and shall allow up to 12 months for payment.
6 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
7 other alternatives under this section, in accordance with the conditions specified in
8 this chapter; or the court may suspend any license issued under ch. 29 for not less
9 than 30 days nor more than 5 years, or, ~~unless the forfeiture was imposed for~~
10 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may~~
11 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more
12 than 2 years. If the court suspends any license under this subsection, the clerk of the
13 court shall immediately take possession of the suspended license and forward it to
14 the department which issued the license, together with a notice of suspension clearly
15 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
16 the forfeiture is paid during the period of suspension, the suspension shall be reduced
17 to the time period which has already elapsed and the court shall immediately notify
18 the department which shall then return the license to the juvenile. Any recovery
19 under this subsection shall be reduced by the amount recovered as a forfeiture for
20 the same act under s. 938.45 (1r) (b).

21 ³⁸⁹⁵ SECTION 3/ 938.343 (2) of the statutes, as affected by 1999 Wisconsin Act 185,
22 is amended to read:

23 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
24 be imposed on an adult for committing that violation or, if the violation is only
25 applicable to a person under 18 years of age, \$50. Any such order shall include a

ASSEMBLY BILL 5

Insert 1223.7 p 3 of 3:

1 finding that the juvenile alone is financially able to pay and shall allow up to 12
 2 months for the payment. If a juvenile fails to pay the forfeiture, the court may
 3 suspend any license issued under ch. 29 or, ~~unless the forfeiture was imposed for~~
 4 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle,~~ may
 5 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less
 6 more than 2 years. The court shall immediately take possession of the suspended
 7 license and forward it to the department which issued the license, together with the
 8 notice of suspension clearly stating that the suspension is for failure to pay a
 9 forfeiture imposed by the court. If the forfeiture is paid during the period of
 10 suspension, the court shall immediately notify the department, which will thereupon
 11 return the license to the person. Any recovery under this subsection shall be reduced
 12 by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b). ✓/0

~~SECTION 4. Initial applicability.~~

Insert 1409.12

~~(1) This act first applies to forfeitures imposed on the day after publication.~~

~~(END)~~

15
 (4K) SUSPENSION OF JUVENILES' OPERATING PRIVILEGES
 (C6) The treatment of sections 938.17 (2)(d), 938.34 (8), and 938.343(2) of the statutes

effective date of this subsection ✓/0

Hurley, Peggy

From: Hurley, Peggy
Sent: Friday, June 22, 2001 1:17 PM
To: Raschka, Adam
Subject: LRB b1310/1

Adam,

I have just been told that the amendment with LRB 1310/1 has an error in it. Material on page 1, line 10 to page 2, line 2 has been stricken, and should be plain text; material on page 2, lines 3 to 4 should be stricken. I will do a /2 version with the correct language when I start in on redrafts. If there are other questions or problems about the draft, please let me know. Thank you.

Peggy J. Hurley
Legislative Attorney
Legislative Reference Bureau
100 North Hamilton Street
Madison, Wisconsin 53701
608 266 8906



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb131071

PJH:wlj:ps

2
redraft
run

ARC:.....Raschka – AM1, Suspension of a juvenile’s operating privilege

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

D note

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1219, line 21: after that line insert:

3 “SECTION 3878. 938.17 (2) (d) of the statutes is amended to read:

4 938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal
5 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that
6 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)
7 or 961.575 (2), the court shall enter any of the dispositional orders permitted under
8 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture
9 imposed by the municipal court, the court may not impose a jail sentence but may
10 suspend any license issued under ch. 29 for not less than 30 days nor more than 5

STET
Plain
text

STET plain text

1 ~~years more than 2 years~~, or, unless the forfeiture was imposed for violating an
 2 ordinance unrelated to the juvenile's operation of a motor vehicle, may suspend the
 3 juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 30 days
 4 ~~nor more than 5 years~~. If a court suspends a license or privilege under this section,
 5 the court shall immediately take possession of the applicable license and forward it
 6 to the department that issued the license, together with the notice of suspension
 7 clearly stating that the suspension is for failure to pay a forfeiture imposed by the
 8 court. If the forfeiture is paid during the period of suspension, the court shall
 9 immediately notify the department, which shall thereupon return the license to the
 10 person."

more than 2 years

2. Page 1223, line 7: after that line insert:

"SECTION 3894. 938.34 (8) of the statutes, as affected by 1999 Wisconsin Act 185, is amended to read:

938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that this disposition is in the best interest of the juvenile and in aid of rehabilitation. The maximum forfeiture that the court may impose under this subsection for a violation by a juvenile is the maximum amount of the fine that may be imposed on an adult for committing that violation or, if the violation is applicable only to a person under 18 years of age, \$100. Any such order shall include a finding that the juvenile alone is financially able to pay the forfeiture and shall allow up to 12 months for payment. If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order other alternatives under this section, in accordance with the conditions specified in this chapter; or the court may suspend any license issued under ch. 29 for not less than 30 days nor more than 5 years, or, unless the forfeiture was imposed for

1 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may~~
2 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more
3 than 2 years. If the court suspends any license under this subsection, the clerk of the
4 court shall immediately take possession of the suspended license and forward it to
5 the department which issued the license, together with a notice of suspension clearly
6 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
7 the forfeiture is paid during the period of suspension, the suspension shall be reduced
8 to the time period which has already elapsed and the court shall immediately notify
9 the department which shall then return the license to the juvenile. Any recovery
10 under this subsection shall be reduced by the amount recovered as a forfeiture for
11 the same act under s. 938.45 (1r) (b).

12 **SECTION 3895.** 938.343 (2) of the statutes, as affected by 1999 Wisconsin Act
13 185, is amended to read:

14 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
15 be imposed on an adult for committing that violation or, if the violation is only
16 applicable to a person under 18 years of age, \$50. Any such order shall include a
17 finding that the juvenile alone is financially able to pay and shall allow up to 12
18 months for the payment. If a juvenile fails to pay the forfeiture, the court may
19 suspend any license issued under ch. 29 or, ~~unless the forfeiture was imposed for~~
20 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may~~
21 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less
22 more than 2 years. The court shall immediately take possession of the suspended
23 license and forward it to the department which issued the license, together with the
24 notice of suspension clearly stating that the suspension is for failure to pay a
25 forfeiture imposed by the court. If the forfeiture is paid during the period of

1 suspension, the court shall immediately notify the department, which will thereupon
2 return the license to the person. Any recovery under this subsection shall be reduced
3 by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).”

4 **3.** Page 1409, line 12: after that line insert:

5 “(4k) SUSPENSION OF JUVENILES’ OPERATING PRIVILEGES. The treatment of sections
6 938.17 (2) (d), 938.34 (8), and 938.343 (2) of the statutes first applies to forfeitures
7 imposed on the effective date of this subsection.”

8 **4.** Page 1425, line 13: after that line insert:

9 “(5k) SUSPENSION OF JUVENILES’ OPERATING PRIVILEGES. The treatment of sections
10 938.17 (2) (d), 938.34 (8), and 938.343 (2) of the statutes and SECTION 9352 (4k) of this
11 act take effect on October 1, 2001, or on the first day of the first month beginning after
12 publication, whichever is later.”

13

(END)

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

LRBb1310/2dn

PJH:wlj:eg

↓
STAYS

This draft is identical to LRB 1310/1 except that the period of license suspension in the amendment of s. 938.17 (2) (d) has been corrected.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1310/2dn
PJH:wlj:rs

June 27, 2001

This draft is identical to LRB 1310/1 except that the period of license suspension in the amendment of s. 938.17 (2) (d) has been corrected.

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Legislative Attorney
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7 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
8 the forfeiture is paid during the period of suspension, the court shall immediately
9 notify the department, which shall thereupon return the license to the person.”.

10 **2.** Page 1223, line 7: after that line insert:

11 “SECTION 3894. 938.34 (8) of the statutes, as affected by 1999 Wisconsin Act
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18 18 years of age, \$100. Any such order shall include a finding that the juvenile alone
19 is financially able to pay the forfeiture and shall allow up to 12 months for payment.
20 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
21 other alternatives under this section, in accordance with the conditions specified in
22 this chapter; or the court may suspend any license issued under ch. 29 for not less
23 than 30 days nor more than 5 years, or, ~~unless the forfeiture was imposed for~~
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10 the same act under s. 938.45 (1r) (b).

11 **SECTION 3895.** 938.343 (2) of the statutes, as affected by 1999 Wisconsin Act
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23 notice of suspension clearly stating that the suspension is for failure to pay a
24 forfeiture imposed by the court. If the forfeiture is paid during the period of
25 suspension, the court shall immediately notify the department, which will thereupon

1 return the license to the person. Any recovery under this subsection shall be reduced
2 by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).”

3 **3.** Page 1409, line 12: after that line insert:

4 “(4k) SUSPENSION OF JUVENILES’ OPERATING PRIVILEGES. The treatment of sections
5 938.17 (2) (d), 938.34 (8), and 938.343 (2) of the statutes first applies to forfeitures
6 imposed on the effective date of this subsection.”

7 **4.** Page 1425, line 13: after that line insert:

8 “(5k) SUSPENSION OF JUVENILES’ OPERATING PRIVILEGES. The treatment of sections
9 938.17 (2) (d), 938.34 (8), and 938.343 (2) of the statutes and SECTION 9352 (4k) of this
10 act take effect on October 1, 2001, or on the first day of the first month beginning after
11 publication, whichever is later.”

12 (END)