

2005 DRAFTING REQUEST

Senate Amendment (SA-SB575)

Received: 04/06/2006

Received By: chanaman

Wanted: As time permits

Identical to LRB:

For: Scott Suder (608) 267-0280

By/Representing: Anne Emerson

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

Addl. Drafters:

Subject: Criminal Law - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Suder@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Restitution to go to costs and judgments

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>
/?	chanaman 04/06/2006	kfollett 04/06/2006		_____			
/1			jfrantze 04/07/2006	_____	sbasford 04/07/2006	sbasford 04/07/2006	

FE Sent For:

<END>

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/?	chanaman	11/15/05 4/6/06		J/Silb 4/7/06			

FE Sent For:

<END>



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa2901/2

CMH: [unclear]

*d-note
Friday*

gf

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SENATE AMENDMENT,
TO 2005 SENATE BILL 575

1 At the locations indicated, amend the bill as follows:

2 1. Page 5, line 2: delete lines 2 to 9 and substitute:

3 "973.20 (9m) When restitution is ordered, the court shall inquire to see if

4 recompense has been made under s. 969.13 (5) (a). If recompense has been made and

5 the restitution ordered is less than or equal to the recompense, the restitution shall

6 ~~be paid only to the general fund~~ applied to the payment of costs and, if any restitution

7 ~~remains after the payment of costs, to the payment of the judgment.~~ If recompense

8 has been made and the restitution ordered is greater than the recompense, ~~the~~

9 ~~general fund shall receive an amount equal to the recompense and the balance shall~~

10 ~~be paid to the victim shall receive an amount equal to the amount of restitution less~~

11 ~~the amount of recompense and the balance shall be applied to the payment of costs~~

12 ~~and, if any restitution remains after the payment of costs, to the payment of the~~

*caps:
no
scoring
throughout
plain
text*

1 judgment. This subsection applies without regard to whether the person who paid
2 the recompense is the person who is convicted of the crime.”

3 (END)

D-Note

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

LRBa2901/?dn

CMH:leg

Date

I

Anne:

As we discussed, I did not add a definition for "recompense" because it would be identical to the dictionary definition and would not add anything to the draft. Without a definition, the common and approved usage of a nontechnical word or phrase is presumed to be the usage intended, and this usage will be determined by reference to a recognized dictionary. See State v. Erlenfeldt, 94 Wis. 2d 347, 356 (1980). Also, similar terms such as "restitution" are not defined in the statutes.

Cathlene Hanaman
Legislative Attorney
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa2901/1dn
CMH:kjf:jf

April 7, 2006

Anne:

As we discussed, I did not add a definition for "recompense" because it would be identical to the dictionary definition and would not add anything to the draft. Without a definition, the common and approved usage of a nontechnical word or phrase is presumed to be the usage intended, and this usage will be determined by reference to a recognized dictionary. See *State v. Ehlenfeldt*, 94 Wis. 2d 347, 356 (1980). Also, similar terms such as "restitution" are not defined in the statutes.

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