

# State of Wisconsin



2005 Assembly Bill 969

Date of enactment:  
Date of publication\*:

## 2005 WISCONSIN ACT

AN ACT *to renumber and amend* 969.13 (5); *to amend* 895.80 (4), 943.245 (3m), 943.51 (3r), 969.02 (2), 969.02 (6), 969.03 (1) (d) and 969.03 (4); and *to create* 950.04 (1v) (qm), 969.13 (5) (b) and 973.20 (9m) of the statutes; **relating to:** applying cash deposited for bail to restitution payments or to recompense ordered in criminal cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 895.80 (4) of the statutes is amended to read:

895.80 (4) Any recovery under this section shall be reduced by the amount recovered as restitution under ss. 800.093 and 973.20 and ch. 938 for the same act or as recompense under s. 939.13 (5) (a) for the same act.

**SECTION 2.** 943.245 (3m) of the statutes is amended to read:

943.245 (3m) Any recovery under this section shall be reduced by the amount recovered as restitution for the same act under ss. 800.093 and 973.20 or as recompense under s. 969.13 (5) (a) for the same act.

**SECTION 3.** 943.51 (3r) of the statutes is amended to read:

943.51 (3r) Any recovery under this section shall be reduced by the amount recovered as restitution for the same act under ss. 800.093 and 973.20 or as recompense under s. 969.13 (5) (a) for the same act.

**SECTION 5.** 950.04 (1v) (qm) of the statutes is created to read:

950.04 (1v) (qm) To recompense as provided under s. 969.13 (5) (a).

**SECTION 6.** 969.02 (2) of the statutes is amended to read:

969.02 (2) In lieu of release pursuant to sub. (1), the judge may require the execution of an appearance bond with sufficient solvent sureties, or the deposit of cash in lieu thereof of sureties. If the judge requires a deposit of cash in lieu of sureties, the person making the cash deposit shall be given written notice of the requirements of sub. (6).

**SECTION 7.** 969.02 (6) of the statutes is amended to read:

969.02 (6) When a judgment ~~for a fine or costs or both~~ of conviction is entered in a prosecution in which a deposit had been made in accordance with sub. (2), the balance of such deposit, after deduction of the bond costs, shall be applied first to the payment of any restitution ordered under s. 973.20 and then, if ordered restitution is satisfied in full, to the payment of the judgment.

**SECTION 8.** 969.03 (1) (d) of the statutes is amended to read:

969.03 (1) (d) Require the execution of an appearance bond with sufficient solvent sureties, or the deposit of cash in lieu of sureties. If the judge requires a deposit of cash in lieu of sureties, the person making the cash deposit shall be given written notice of the requirements of sub. (4).

**SECTION 9.** 969.03 (4) of the statutes is amended to read:

\* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

969.03 (4) ~~If a judgment for a fine or costs or both of conviction is entered in a prosecution in which a deposit had been made in accordance with sub. (1) (d), the balance of the deposit, after deduction of the bond costs, shall be applied first to the payment of any restitution ordered under s. 973.20 and then, if ordered restitution is satisfied in full, to the payment of the judgment.~~

**SECTION 10.** 969.13 (5) of the statutes is renumbered 969.13 (5) (a) and amended to read:

969.13 (5) (a) A cash deposit made with the clerk pursuant to this chapter shall be applied first to the payment of any recompense determined under par. (b) and then, if the recompense is paid in full, to the payment of costs. If any amount of such deposit remains after the payment of costs, it shall be applied to payment of the judgment of forfeiture. The person making the cash deposit shall be given written notice of the requirements of this paragraph.

**SECTION 11.** 969.13 (5) (b) of the statutes is created to read:

969.13 (5) (b) The court shall determine a recompense amount for any victim, or if the victim is deceased, for his or her estate, of the crime for which the bond was

entered into unless the court finds substantial reason not to do so and states the reason on the record. The court shall determine the recompense amount in the same manner as the court would have determined the restitution amount under s. 973.20 (2), (3), (4), (4m), (5), and (7) had the person been convicted.

**SECTION 12.** 973.20 (9m) of the statutes is created to read:

973.20 (9m) When restitution is ordered, the court shall inquire to see if recompense has been made under s. 969.13 (5) (a). If recompense has been made and the restitution ordered is less than or equal to the recompense, the restitution shall be paid only to the general fund. If recompense has been made and the restitution ordered is greater than the recompense, the general fund shall receive an amount equal to the recompense and the balance shall be paid to the victim. This subsection applies without regard to whether the person who paid the recompense is the person who is convicted of the crime.

**SECTION 13. Initial applicability.**

(1) This act first applies to cash deposits made on the effective date of this subsection.

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