



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2005 Wisconsin Act 306**  
[2005 Assembly Bill 725]

**Nonappearance Under Section  
778.25 Citation Procedure**

*Act 306* addresses the citation procedure under s. 778.25, Stats. This citation procedure applies to violations of rules promulgated by the University of Wisconsin Board of Regents and to other violations, including: underage possession or use of alcohol, cigarettes, or drug paraphernalia; harassment; body passing or alcohol use at sporting events; damage to state property; and noncompliance with rental unit standards.

*Currently*, if a citation is issued under s. 778.25 and the person who receives the citation fails to make a deposit and fails to appear in court at the time fixed in the citation, the court may only issue a summons or an arrest warrant. Under other citation procedures that apply, for example, to violations of natural resources laws, traffic violations, and municipal ordinance violations, a court in this circumstance may alternatively consider the violator's nonappearance a plea of no contest and enter judgment accordingly.

*Act 306* allows the court, under the citation procedure in s. 778.25, when the violator does not make a deposit and fails to appear in court at the time fixed in the citation, to consider the violator's nonappearance to be a plea of no contest and enter judgment accordingly. The alternative to issue a summons or arrest warrant is retained. The Act also revises the notice included in the citation to reflect that the court may consider a nonappearance, when the defendant does not make a deposit, to be a plea of no contest and enter judgment accordingly. Current language regarding reopening a judgment will apply to no contest plea judgments entered under the Act.

**Effective Date:** Act 306 takes effect August 1, 2006.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.