

2007 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB40)

Received: 06/15/2007

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Rushmer

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Rushmer -

Topic:

Automated natural resources violations citation form

Instructions:

Draft LRB-0392/1 as an amendment to the joint finance sub.

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>
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/1	rkite 06/16/2007	csicilia 06/18/2007	rschluet 06/18/2007	_____	mbarman 06/18/2007		

FE Sent For:

<END>

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Addl. Drafters: *MGG*

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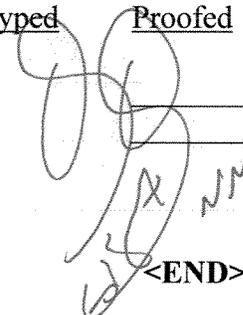
Automated natural resources violations citation form

Instructions:

Draft LRB-0392/1 as an amendment to the joint finance sub.

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FE Sent For:

<END>



State of Wisconsin
2007 - 2008 LEGISLATURE

RM run
LRBb0329/3
RNK & MGG:.....

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LFB:.....Rushmer - Automated natural resources violations citation form
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2007 SENATE BILL 40

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

2 **1.** Page 434, line 5: after that line insert:

Insert 434-5

3 **2.** Page 1445, line 13: after that line insert:

Insert 1445-13

4 **3.** Page 1527, line 2: after that line insert:

Insert 1527-2

5 **4.** Page 1539, line 17: after that line insert:

Insert 1539-17

6

(END)

2d 193 (1980). This bill eliminates this probable cause requirement for citations but not for complaints. By eliminating that probable cause be stated in the citation, the citation no longer must contain the supporting statements. The requirement that a citation contain the basic statements will continue because they are statutorily required under current law.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

INSERTS

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

Insert
434-5

1 → " SECTION 1. 23.51 (1m) of the statutes is amended to read:

2 23.51 (1m) "Citation" means a pleading of essential facts and applicable law
3 coupled with a demand for judgment, which notifies complaint and includes a
4 notification to the person cited of a violation of a statute or rule enumerated in s.
5 23.50 (1) or of a violation of a local ordinance, and requests the person to appear in
6 court. Part of the citation is a complaint.

7 SECTION 2. 23.54 (1) of the statutes is amended to read:

8 23.54 (1) A citation may be prepared on a paper form or in an electronic format.
9 The defendant shall receive a copy of the citation. The citation shall contain -a
10 complaint, a an area to record the case history and a report of court action on the case.

11 SECTION 3. 23.54 (2) of the statutes is repealed.

12 SECTION 4. 23.62 (1) (a) of the statutes is amended to read:

13 23.62 (1) (a) Issue a citation to the defendant in the form manner specified in
14 s. 23.54, a paper copy or electronic version of which shall be filed with the clerk of
15 courts in the county where the violation was committed or with the office of the
16 municipal judge in the case of an ordinance violation;

17 SECTION 5. 23.62 (2) (a) of the statutes is amended to read:



Insert
434-5
continued

1 23.62 (2) (a) If the defendant is a resident of this state, a law enforcement officer
2 may serve a citation anywhere in the state by following the procedures used for the
3 service of a summons under s. 801.11 (1) (a) or (b) 1. or 1m. or (2) or by mailing a paper
4 copy to the defendant's last-known address.

5 **SECTION 6.** ⁶⁷³ 23.62 (2) (b) of the statutes is amended to read:

6 23.62 (2) (b) If the defendant is not a resident of the state, a law enforcement
7 officer may serve a citation by delivering a paper copy to the defendant personally
8 or by mailing a paper copy to the defendant's last-known address.

9 **SECTION 7.** ⁶⁷⁴ 23.68 of the statutes is amended to read:

10 **23.68 Pleading.** The A citation ~~or complaint~~ issued pursuant to s. 23.62 or a
11 complaint issued pursuant to s. 23.65 may serve as the initial pleading and,
12 notwithstanding any other provisions of the statutes, shall be deemed adequate
13 process to give the appropriate court jurisdiction over the person upon the filing of
14 the citation or complaint with such court. ” ←

Insert
1445-13

15 **SECTION 8.** ³⁴²⁰ 345.11 (1m) of the statutes is amended to read:

16 345.11 (1m) The uniform traffic citation or the citation ~~form~~ under s. 23.54
17 shall be used for violations of ch. 350 relating to highway use or ordinances in
18 conformity therewith when committed on the highway, but no points may be assessed
19 against the driving record of the operator of a snowmobile. When the uniform traffic
20 citation is used, the report of conviction shall be forwarded to the department. When
21 the citation ~~form~~ under s. 23.54 is used, the procedure in ss. 23.50 to 23.85 applies.

22 **SECTION 9.** ³⁴²¹ 345.11 (1r) of the statutes is amended to read:

23 345.11 (1r) The uniform traffic citation or the citation ~~form~~ under s. 23.54 shall
24 be used for violations of s. 23.33 relating to highway use or ordinances in conformity
25 with that section if the violation is committed on a highway, but no points may be



Insert 1455-13 continued

1 assessed against the driving record of the operator of an all-terrain vehicle. When
2 the uniform traffic citation is used, the report of conviction shall be forwarded to the
3 department. When the citation form under s. 23.54 is used, the procedure in ss. 23.50
4 to 23.85 applies. "

Insert 1527-2

5 " SECTION 10. 800.02 (2) (b) of the statutes is amended to read:
6 800.02 (2) (b) Except for parking violations, in traffic regulation actions in
7 municipal court, the uniform traffic citation specified in s. 345.11 shall be used in lieu
8 of the citation form specified in par. (a). In actions for violations of local ordinances
9 enacted in accordance with s. 23.33 (11) (am) or 30.77, the citation form specified in
10 s. 23.54 shall be used in lieu of the citation form specified in par. (a). "

Insert 1539-17

11 " SECTION 11. 938.237 (1) (intro.) of the statutes is amended to read:
12 938.237 (1) CITATION FORM CITATIONS. (intro.) The A citation forms under s.
13 23.54, 66.0113, 778.25, 778.26, or 800.02 may be used to commence an action for a
14 violation of civil laws and ordinances in the court. "

(END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb0329/1
RNK&MGG:cjs:rs

LFB:.....Rushmer - Automated natural resources violations citation form

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

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

2 **1.** Page 434, line 5: after that line insert:

3 **"SECTION 668.** 23.51 (1m) of the statutes is amended to read:

4 23.51 (1m) "~~Citation~~" means a ~~pleading of essential facts and applicable law~~
5 ~~coupled with a demand for judgment, which notifies complaint and includes a~~
6 ~~notification to the person cited of a violation of a statute or rule enumerated in s.~~
7 ~~23.50 (1) or of a violation of a local ordinance, and requests the person to appear in~~
8 ~~court. Part of the citation is a complaint.~~

9 **SECTION 669.** 23.54 (1) of the statutes is amended to read:

1 23.54 (1) A citation may be prepared on a paper form or in an electronic format.
2 The defendant shall receive a copy of the citation. The citation shall contain ~~a~~
3 ~~complaint,~~ an area to record the case history and a report of court action on the case.

4 **SECTION 670.** 23.54 (2) of the statutes is repealed.

5 **SECTION 671.** 23.62 (1) (a) of the statutes is amended to read:

6 23.62 (1) (a) Issue a citation to the defendant in the ~~form~~ manner specified in
7 s. 23.54, a paper copy or electronic version of which shall be filed with the clerk of
8 courts in the county where the violation was committed or with the office of the
9 municipal judge in the case of an ordinance violation;

10 **SECTION 672.** 23.62 (2) (a) of the statutes is amended to read:

11 23.62 (2) (a) If the defendant is a resident of this state, a law enforcement officer
12 may serve a citation anywhere in the state by following the procedures used for the
13 service of a summons under s. 801.11 (1) (a) or (b) 1. or 1m. or (2) or by mailing a paper
14 copy to the defendant's last-known address.

15 **SECTION 673.** 23.62 (2) (b) of the statutes is amended to read:

16 23.62 (2) (b) If the defendant is not a resident of the state, a law enforcement
17 officer may serve a citation by delivering a paper copy to the defendant personally
18 or by mailing a paper copy to the defendant's last-known address.

19 **SECTION 674.** 23.68 of the statutes is amended to read:

20 **23.68 Pleading.** ~~The A citation or complaint~~ issued pursuant to s. 23.62 or a
21 complaint issued pursuant to s. 23.65 may serve as the initial pleading and,
22 notwithstanding any other provisions of the statutes, shall be deemed adequate
23 process to give the appropriate court jurisdiction over the person upon the filing of
24 the citation or complaint with such court.”.

1 **2.** Page 1445, line 13: after that line insert:

2 “**SECTION 3420.** 345.11 (1m) of the statutes is amended to read:

3 345.11 **(1m)** The uniform traffic citation or the citation form under s. 23.54
4 shall be used for violations of ch. 350 relating to highway use or ordinances in
5 conformity therewith when committed on the highway, but no points may be assessed
6 against the driving record of the operator of a snowmobile. When the uniform traffic
7 citation is used, the report of conviction shall be forwarded to the department. When
8 the citation form under s. 23.54 is used, the procedure in ss. 23.50 to 23.85 applies.

9 **SECTION 3421.** 345.11 (1r) of the statutes is amended to read:

10 345.11 **(1r)** The uniform traffic citation or the citation form under s. 23.54 shall
11 be used for violations of s. 23.33 relating to highway use or ordinances in conformity
12 with that section if the violation is committed on a highway, but no points may be
13 assessed against the driving record of the operator of an all-terrain vehicle. When
14 the uniform traffic citation is used, the report of conviction shall be forwarded to the
15 department. When the citation form under s. 23.54 is used, the procedure in ss. 23.50
16 to 23.85 applies.”.

17 **3.** Page 1527, line 2: after that line insert:

18 “**SECTION 3749.** 800.02 (2) (b) of the statutes is amended to read:

19 800.02 **(2)** (b) Except for parking violations, in traffic regulation actions in
20 municipal court, the uniform traffic citation specified in s. 345.11 shall be used in lieu
21 of the citation form specified in par. (a). In actions for violations of local ordinances
22 enacted in accordance with s. 23.33 (11) (am) or 30.77, the citation form specified in
23 s. 23.54 shall be used in lieu of the citation form specified in par. (a).”.

24 **4.** Page 1539, line 17: after that line insert:

