

## 2009 DRAFTING REQUEST

### Bill

Received: **03/04/2010**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **John Steinbrink (608) 266-0455**

By/Representing: **Geoff**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Adl. Drafters: **rchampag**

Subject: **Courts - costs and fees**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Steinbrink@legis.wisconsin.gov**

Carbon copy (CC:) to:

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Forfeiture assessment in circuit court

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#### Instructions:

See attached

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#### 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>
/?				_____			State
/P1	rnelson2 03/04/2010 rchampag 03/04/2010			_____ _____ _____			State
/1	rnelson2 03/04/2010	bkraft 03/05/2010	mduchek 03/05/2010	_____	sbasford 03/05/2010		State

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/2	rchampag 03/08/2010	jdyer 03/09/2010	rschluet 03/09/2010	_____	sbasford 03/09/2010	lparisi 03/09/2010	

FE Sent For:

*at  
intro*

<END>

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/?		1/2 <sup>3</sup> / <sub>9</sub> jld					State
/P1	rnelson2 03/04/2010 rchampag 03/04/2010			Km <sup>3</sup> / <sub>9</sub> J7			State
/1	rnelson2 03/04/2010	bkraft 03/05/2010	mduchek 03/05/2010		sbasford 03/05/2010		

3410 -151

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/?	rnelson2	/1 bjk 3/5		_____	_____	_____	_____

FE Sent For:

<END>

**Nelson, Robert P.**

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**From:** Ryan, Robin  
**Sent:** Thursday, March 04, 2010 8:19 AM  
**To:** Nelson, Robert P.  
**Subject:** FW: Drafting request from Rep. Steinbrink

*I took care of  
this issue by  
the intent  
statement.*

---

**From:** Champagne, Rick  
**Sent:** Thursday, March 04, 2010 7:35 AM  
**To:** Gaston, Geoff  
**Cc:** Ryan, Robin  
**Subject:** RE: Drafting request from Rep. Steinbrink

Geoff, I forwarded this to Robin Ryan on our staff and will give her language on the layoff provisions. She will take care of the new assessments provisions. Just for your information, and I will briefly discuss this in a Drafter's Note, the DAs collective bargaining agreement allows for layoffs. Hence, if we prohibit layoffs by statute, there is an issue as to whether this is an unlawful impairment of contract.

Rick

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**From:** Gaston, Geoff  
**Sent:** Wednesday, March 03, 2010 4:32 PM  
**To:** Champagne, Rick  
**Subject:** Drafting request from Rep. Steinbrink

Good afternoon, and I apologize if I am misdirecting this request.

Rep. Steinbrink would like to request a draft that would prohibit layoffs of assistant district attorneys during the 09-11 biennium.

In addition, he would like the draft to impose a new \$5 justice service assessment on convictions for civil forfeiture violations in circuit court to be deposited in a new program revenue appropriation under the DA function. Attached is a Legislative Fiscal Bureau memo related to a request that Kenosha-area legislators received from the District Attorney in that county.

While, based on that request, the memo discusses potential assessments of \$15 or \$20, the draft they would like to request would be for a \$5 assessment that would sunset July 1, 2011.

Thank you

Geoff Gaston  
Rep. Steinbrink's office

<< File: 20100303103045663.pdf >>



3/4  
State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-4474/1  
RPN/RLR/RAC:.....

5009  
Monday AM

Lbjk

**2009 BILL**

SA  
X-ref

1 AN ACT <sup>gen.</sup>...; **relating to:** imposing a surcharge for certain forfeitures and making  
2 an appropriation.

---

***Analysis by the Legislative Reference Bureau***

This bill creates a justice service surcharge of \$5 to be paid by each person found guilty in a circuit court of a violation that results in a forfeiture. The money collected from this surcharge is used to help pay the salaries and fringe benefits of assistant district attorneys.

For further information see the **state** 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:***

3 SECTION 1. 20.475 (1) (g) of the statutes is created to read:  
4 20.475 (1) (g) *Salary and fringe benefits from surcharge.* All moneys received  
5 from the justice services surcharge under s. 814.87 for salaries and fringe benefits  
6 of assistant district attorneys.

7 SECTION 2. 814.75 (15m) of the statutes is created to read:



## Champagne, Rick

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**From:** Gaston, Geoff  
**Sent:** Monday, March 08, 2010 12:44 PM  
**To:** Champagne, Rick; Nelson, Robert P.  
**Subject:** Rep Steinbrink request re: LRB 4474 (surcharge and ADA funding)

**Importance:** High

Rep. Steinbrink would like to request the following changes to LRB 4474.

- 1) To include Deputy District Attorneys
- 2) To include language in Section 8 (nonstatutory provisions) that, in addition to the current language that the funds are intended to be "expended so as to avoid the layoff", etc. that the funds are also intended to avoid any requirement to take more than 5 days of unpaid leave (furloughs)

And please call/write back with any questions, comments, suggestions. Thank you again for your help with this bill

Geoff  
Rep. Steinbrink's office



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-4474/2  
RPN/RLR/RAC:bjk:md

Stays *RC + JLD*  
RMR

Today

*[Signature]*  
2009 BILL

4

- regen. cat

1 AN ACT to create 20.475 (1) (g), 814.75 (15m), 814.77 (8m), 814.78 (9m), 814.79  
2 (6m), 814.80 (8m) and 814.87 of the statutes; relating to: imposing a surcharge  
3 for certain forfeitures and making an appropriation.

*Analysis by the Legislative Reference Bureau*

This bill creates a justice service surcharge of \$5 to be paid by each person found guilty in a circuit court of a violation that results in a forfeiture. The money collected from this surcharge is used to help pay the salaries and fringe benefits of assistant district attorneys.

*deputy and ✓*

For further information see the *state* 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:*

4 SECTION 1. 20.475 (1) (g) of the statutes is created to read:  
5 20.475 (1) (g) *Salary and fringe benefits from surcharge.* All moneys received  
6 from the justice services surcharge under s. 814.87 for salaries and fringe benefits  
7 of assistant district attorneys.

*deputy and ✓*

**BILL**

1           **SECTION 2.** 814.75 (15m) of the statutes is created to read:

2           814.75 **(15m)** The justice service surcharge under s. 814.87.

3           **SECTION 3.** 814.77 (8m) of the statutes is created to read:

4           814.77 **(8m)** The justice service surcharge under s. 814.87.

5           **SECTION 4.** 814.78 (9m) of the statutes is created to read:

6           814.78 **(9m)** The justice service surcharge under s. 814.87.

7           **SECTION 5.** 814.79 (6m) of the statutes is created to read:

8           814.79 **(6m)** The justice service surcharge under s. 814.87.

9           **SECTION 6.** 814.80 (8m) of the statutes is created to read:

10          814.80 **(8m)** The justice service surcharge under s. 814.87.

11          **SECTION 7.** 814.87 of the statutes is created to read:

12          **814.87 Justice service surcharge. (1)** If a circuit court imposes a forfeiture  
13 for a violation committed before July 1, 2011, the clerk of circuit court shall charge  
14 and collect a justice service surcharge of \$5 from the person found guilty of the  
15 violation.

16          **(2)** The clerk of circuit court shall pay the money collected under sub. (1) to the  
17 county treasurer under s. 59.40 (2) (m). The county treasurer shall pay those moneys  
18 to the secretary of administration under s. 59.25 (3) (p).

19          **(3)** All moneys paid to the secretary of administration under sub. (2) shall be  
20 credited to the appropriation account under s. 20.475 (1) (g).

21          **SECTION 8. Nonstatutory provisions.**

22          **(1) LAYOFF OF ASSISTANT DISTRICT ATTORNEYS.** It is the intent of the legislature  
23 that moneys credited to the appropriation account under section 20.475 (1) (g) of the

**BILL**

*during the  
2009-11 fiscal  
biennium*

*deputy or*

1 statutes, as created by this act, be expended so as to avoid the layoff of any assistant  
2 district attorney on account of lack of state funding or any other economic reason.

3 (END)

*, and any requirement that a deputy or assistant district  
attorney be required to take more than 5 days of  
unpaid leave during each fiscal year of the 2009-11  
fiscal biennium,*

**Basford, Sarah**

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**From:** Gaston, Geoff  
**Sent:** Tuesday, March 09, 2010 1:17 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-4474/2 Topic: Forfeiture assessment in circuit court

Please Jacket LRB 09-4474/2 for the ASSEMBLY.