2009 DRAFTING REQUEST

Bill

Received: **01/08/2009**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Wavrunek**

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

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Wavrunek, BB0350 -

Topic:

Penalty surcharge and firearms restrictions record search appropriations

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Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?				_____			S&L
/1	rryan 01/08/2009	jdyer 01/09/2009	jfrantze 01/09/2009	_____ _____	mbarman 01/09/2009		S&L
/2	rryan 01/30/2009	wjackson 01/30/2009	mduchek 01/30/2009	_____ _____	cduerst 01/30/2009		S&L
/3	rnelson2 02/16/2009	jdyer 02/16/2009	mduchek 02/16/2009	_____ _____	lparisi 02/16/2009		

FE Sent For:

<END>

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/2	rryan 01/30/2009	wjackson 01/30/2009	mduchek 01/30/2009	_____ _____	cduerst 01/30/2009		

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FE Sent For: /2 wlj 1/30 MD MD JF

<END>

1/30

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Subject: **Criminal Law - miscellaneous**

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Topic:

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Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	rryan	1/8 jld	1/9	1/9			

FE Sent For:

<END>

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Penalty Surcharge and Firearms Restrictions Record Searches
- Tracking Code: BB0350
- SBO team: Agriculture, Environment and Justice
- SBO analyst: Leah Wavrunek
  - Phone: 267-0370
  - Email: leah.wavrunek@wisconsin.gov
- Agency acronym: DOJ
- Agency number: 455
- Priority (Low, Medium, High): High

Intent: Combine revenues from the firearms restriction search fee and penalty surcharge to solve deficits in each. This is similar to the draft in the 2007-09 budget LRB-1577/2 (attached) except there is no increase in the penalty surcharge. Maintain the fee increase for firearms restrictions search fee covered in LRB-0306/P2, from $8 to $30.

due TUES

1374/1

2007 – 2008 LEGISLATURE

LRB–1377/2
RLR:jld:jf

keep

In 1/8/08

DOA:.....Wavrunek, BB0379 – Penalty surcharge and firearms restrictions record searches

FOR 2007–09 BUDGET -- NOT READY FOR INTRODUCTION

DOA....

do not gen

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

Under current law, most persons who are ordered by a state or municipal court to pay a fine or forfeiture must also pay a penalty surcharge equal to 26 percent of the fine or forfeiture. The penalty surcharge receipts are appropriated to DOJ to fund a variety of activities, services, and equipment, including training for law enforcement and correctional officers, enforcement of drug laws, services for crime victims, and information systems for law enforcement. Also under current law, firearms dealers must pay DOJ a fee for conducting firearms restrictions record searches on handgun purchasers. The firearms restrictions record search fee receipts are appropriated to DOJ for firearms restrictions record searches.

INS

This bill increases the penalty surcharge to 27 percent of fines or forfeitures. The bill also provides that firearms restrictions record search fees must be deposited in the appropriation account in which penalty surcharge receipts are deposited and that firearms records restriction searches must be funded from this appropriation.

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

SECTION 1. 20.455 (2) (gr) of the statutes, as affected by 2005 Wisconsin Act 25, is renumbered 20.455 (2) (ky) and amended to read:

20.455 **(2)** (ky) *Handgun purchaser record check.* ~~All moneys received as fee payments under s. 175.35 (2i)~~ The amounts in the schedule to provide services under s. 175.35. All moneys transferred from the appropriation account under par. (i) 17. shall be credited to this appropriation account.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2. 20.455 (2) (i) (intro.) of the statutes is amended to read:

20.455 **(2)** (i) ~~*Penalty surcharge, receipts*~~ *Criminal justice program support.* (intro.) The amounts in the schedule for the purposes of s. 165.85 (5) (b) and for crime laboratory equipment. All moneys received from the penalty surcharge on court fines and forfeitures under s. 757.05 (2) and all moneys received as fee payments under s. 175.35 (2i) shall be credited to this appropriation account. Moneys may be transferred from this paragraph to pars. (j), (ja), and (jb) by the secretary of administration for expenditures based upon determinations by the department of justice. The following amounts shall be transferred to the following appropriation accounts:

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3. 20.455 (2) (i) 17. of the statutes is created to read:

20.455 **(2)** (i) 17. The amount transferred to par. (ky) shall be the amount in the schedule under par. (ky).

SECTION 4. 757.05 (1) (a) of the statutes is amended to read:

757.05 **(1)** (a) Whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation

of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of state laws or municipal or county ordinances involving nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s. 347.48 (2m), there shall be imposed in addition a penalty surcharge under ch. 814 in an amount of ~~26~~ 27 percent of the fine or forfeiture imposed. If multiple offenses are involved, the penalty surcharge shall be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty surcharge shall be reduced in proportion to the suspension.

SECTION 9329. Initial applicability; Justice.

(1) PENALTY SURCHARGE. The treatment of section 757.05 (1) (a) of the statutes first applies to offenses committed on the effective date of this subsection.

(END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1374/1ins
RLR:...:...

This bill credits firearms restrictions record search fees to the same appropriation account as penalty surcharge receipts are currently credited, and appropriates funds for firearms record restrictions searches from this appropriation account.

(end ins)

State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1374/1
RLR:jld:jf

DOA:.....Wavrunek, BB0350 - Penalty surcharge and firearms restrictions record search appropriations

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Do Not Gen

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

Under current law, most persons who are ordered by a state or municipal court to pay a fine or forfeiture must also pay a penalty surcharge equal to 26 percent of the fine or forfeiture. The penalty surcharge receipts are appropriated to DOJ to fund a variety of activities, services, and equipment, including training for law enforcement and correctional officers, enforcement of drug laws, services for crime victims, and information systems for law enforcement. Also under current law, firearms dealers must pay DOJ a fee for conducting firearms restrictions record searches on handgun purchasers. The firearms restrictions record search fee receipts are appropriated to DOJ for firearms restrictions record searches.

This bill credits firearms restrictions record search fees to the same appropriation account as penalty surcharge receipts are currently credited, and appropriates funds for firearms restrictions record searches from this appropriation account.

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

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2 amended to read:

3 20.455 **(2)** (ky) *Handgun purchaser record check.* ~~All moneys received as fee~~
4 ~~payments under s. 175.35 (2i)~~ The amounts in the schedule to provide services under
5 s. 175.35. All moneys transferred from the appropriation account under par. (i) 17.
6 shall be credited to this appropriation account.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 2.** 20.455 (2) (i) (intro.) of the statutes is amended to read:

8 20.455 **(2)** (i) ~~*Penalty surcharge, receipts*~~ *Criminal justice program support.*
9 (intro.) The amounts in the schedule for the purposes of s. 165.85 (5) (b) and for crime
10 laboratory equipment. All moneys received from the penalty surcharge on court
11 fines and forfeitures under s. 757.05 (2) and all moneys received as fee payments
12 under s. 175.35 (2i) shall be credited to this appropriation account. Moneys may be
13 transferred from this paragraph to pars. (j), (ja), and (jb) by the secretary of
14 administration for expenditures based upon determinations by the department of
15 justice. The following amounts shall be transferred to the following appropriation
16 accounts:

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 **SECTION 3.** 20.455 (2) (i) 17. of the statutes is created to read:

18 20.455 **(2)** (i) 17. The amount transferred to par. (ky) shall be the amount in the
19 schedule under par. (ky).

20 **(END)**

INS 2-16

2009-2010 Drafting Insert
from the
Legislative Reference Bureau

1 **Ins 2-16:**

****Note: This draft deletes the treatment of s. 20.455 (2) (i) (intro.), which is treated in LRB-0329.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1374/2dn
RLR:...:...
WLJ

This draft reconciles LRB-1374/1 and LRB-0329/2. ~~All~~ Both of these drafts should continue to appear in the compiled bill.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1374/2dn
RLR:wlj:md

January 30, 2009

This draft reconciles LRB-1374/1 and LRB-0329/2. Both of these drafts should continue to appear in the compiled bill.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

Nelson, Robert P.

From: Wavrunek, Leah J - DOA [Leah.Wavrunek@wisconsin.gov]
Sent: Saturday, February 14, 2009 12:55 PM
To: Nelson, Robert P.
Cc: Kraus, Jennifer - DOA; Steinmetz, Jana D - DOA; Hanaman, Cathlene
Subject: Change to bill

Hello,

My change relates to page 247 of the compile. Section 528 renumbers appropriation 20.455(2)(gr) as 20.455(2)(ky) and funds the appropriation from the newly created criminal justice support fund (20.455(2)(i)). However, all other appropriations funded from 20.455(2)(i) were given language that states all unencumbered balances at the end of the year must revert back to 20.455(2)(i). I think 20.455(2)(ky) should also have this language for consistency.

If this change is made, then on page 247, line 21, the number 16 should be changed to 17 to include 20.455(2)(ky).

I apologize for the confusing nature of this change. Please let me know if you have any questions.
Thanks,
Leah Wavrunek

Leah Wavrunek
State Budget Office
Ph: (608) 267-0370
F: (608) 267-0372
leah.wavrunek@wisconsin.gov

2/10

2009 – 2010 LEGISLATURE

LRB–1374/2 3
RLR:jld&wlj:md
+ RPN

DOA:.....Wavrunek, BB0350 – Penalty surcharge and firearms restrictions record search appropriations

FOR 2009–11 BUDGET -- NOT READY FOR INTRODUCTION

don't gen

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

JUSTICE

Under current law, most persons who are ordered by a state or municipal court to pay a fine or forfeiture must also pay a penalty surcharge equal to 26 percent of the fine or forfeiture. The penalty surcharge receipts are appropriated to DOJ to fund a variety of activities, services, and equipment, including training for law enforcement and correctional officers, enforcement of drug laws, services for crime victims, and information systems for law enforcement. Also under current law, firearms dealers must pay DOJ a fee for conducting firearms restrictions record searches on handgun purchasers. The firearms restrictions record search fee receipts are appropriated to DOJ for firearms restrictions record searches.

This bill credits firearms restrictions record search fees to the same appropriation account as penalty surcharge receipts are currently credited, and appropriates funds for firearms restrictions record searches from this appropriation account.

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

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2 amended to read:

3 20.455 **(2)** (ky) *Handgun purchaser record check.* ~~All moneys received as fee~~
4 ~~payments under s. 175.35 (2i)~~ The amounts in the schedule to provide services under
5 s. 175.35. All moneys transferred from the appropriation account under par. (i) 17.
6 shall be credited to this appropriation account. insert 2-6

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

****NOTE: This draft deletes the treatment of s. 20.455 (2) (i) (intro.), which is treated in LRB–0329/2.

7 **SECTION 2.** 20.455 (2) (i) 17. of the statutes is created to read:

8 20.455 **(2)** (i) 17. The amount transferred to par. (ky) shall be the amount in the
9 schedule under par. (ky).

10 **(END)**

insert 2-6

administration for expenditures based upon determinations by the department of justice. The following amounts shall be transferred to the following appropriation accounts:

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

****NOTE: This is reconciled s. 20.455 (2) (i) (intro.). This SECTION has been affected by drafts with the following LRB numbers: LRB-0329/2 and LRB-1374/1.

***-1281/2.3* SECTION 530.** 20.455 (2) (i) 16. of the statutes is amended to read:

20.455 **(2)** (i) 16. The amount transferred to s. 20.505 (6) ~~(kc)~~ (kv) shall be the amount in the schedule under s. 20.505 (6) ~~(kc)~~ (kv).

***-1374/2.2* SECTION 531.** 20.455 (2) (i) 17. of the statutes is created to read:

20.455 **(2)** (i) 17. The amount transferred to par. (ky) shall be the amount in the schedule under par. (ky).

***-0329/4.6* SECTION 532.** 20.455 (2) (j) of the statutes is amended to read:

20.455 **(2)** (j) *Law enforcement training fund, local assistance.* The amounts in the schedule to finance local law enforcement training as provided in s. 165.85 (5) (b). All moneys transferred from par. (i) for the purpose of this appropriation shall be credited to this appropriation. NO ¶ Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under par. (i). (end ins 2-6)

insert 2-6

***-0329/4.7* SECTION 533.** 20.455 (2) (ja) of the statutes is amended to read:

20.455 **(2)** (ja) *Law enforcement training fund, state operations.* The amounts in the schedule to finance state operations associated with the administration of the law enforcement training fund and to finance training for state law enforcement personnel, as provided in s. 165.85 (5) (b). All moneys transferred from par. (i) for the purpose of this appropriation shall be credited to this appropriation.

State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1374/3
RLR&RPN:jld&wlj:md

DOA:.....Wavrunek, BB0350 - Penalty surcharge and firearms restrictions record search appropriations

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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6 shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
7 unencumbered balance on June 30 of each year shall revert to the appropriation
8 account under par. (i).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

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10 20.455 **(2)** (i) 17. The amount transferred to par. (ky) shall be the amount in the
11 schedule under par. (ky).

12 **(END)**