2013 DRAFTING REQUEST

Assembly Amendment (AA-AB67)

Received:	**9/6/2013**	Received By:	**phurley**
Wanted:	**As time permits**	Same as LRB:	
For:	**Gary Hebl (608) 266-7678**	By/Representing:	**Mike**
May Contact:		Drafter:	**phurley**
Subject:	**Drunk Driving - other**	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
Requester's email: **Rep.Hebl@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Require audit of costs of requiring personal appearance in court

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/1	phurley 9/6/2013	kfollett 9/6/2013	jfrantze 9/9/2013	_____ _____	sbasford 9/9/2013	sbasford 9/9/2013	

FE Sent For:

<END>

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB67)

Received:	**9/6/2013**	Received By:	**phurley**
Wanted:	**As time permits**	Same as LRB:	
For:	**Gary Hebl (608) 266-7678**	By/Representing:	**Mike**
May Contact:		Drafter:	**phurley**
Subject:	**Drunk Driving - other**	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
Requester's email: **Rep.Hebl@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Require audit of costs of requiring personal appearance in court

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/1	phurley	11/5f 9/6	9/6	9/9			

FE Sent For:

<END>

State of Wisconsin
2013 - 2014 LEGISLATURE

LRB-0727/1
PJH:cjs:jf

2013 ASSEMBLY BILL 67

March 14, 2013 - Introduced by Representatives J. OTT, STONE, KOOYENGA, JACQUE, SPIROS, KERKMAN, BIES, STROEBEL, A. OTT, STRACHOTA, T. LARSON, THIESFELDT and LEMAHIEU, cosponsored by Senators DARLING, KEDZIE and CARPENTER. Referred to Committee on Judiciary.

1 AN ACT ***to renumber and amend*** 66.0114 (1) (b); ***to amend*** 800.035 (5) (a); and
2 ***to create*** 66.0114 (1) (b) 2., 345.26 (1) (b) 3. and 967.055 (2m) of the statutes;
3 **relating to:** requiring persons accused of violating traffic laws and ordinances
4 related to driving while intoxicated to appear in person in court.

Analysis by the Legislative Reference Bureau

Under current law, generally, a first violation of operating a vehicle while under the influence of an intoxicant, with a detectable amount of a restricted controlled substance in one's blood, or with a prohibited alcohol concentration (OWI-related violation), is a traffic violation punishable by a civil forfeiture. Current law allows local units of government to enact ordinances in conformity with the state traffic law that punishes most first OWI-related offenses as a civil violation.

Under current law, a person who receives a citation for an OWI-related civil traffic violation or who receives a citation for an ordinance in conformity with the OWI-related traffic violation may opt to appear in court to plead not guilty to the violation or may opt to pay the forfeiture associated with the violation and avoid an appearance in court. Generally, a person who pays the forfeiture associated with the violation is considered to have pled guilty or no contest to the charge.

Under this bill, a person who receives a citation for an OWI-related civil traffic violation or who receives a citation for an ordinance in conformity therewith is required to appear in court to plead guilty, no contest, or not guilty to the charge.

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:

1 **SECTION 1.** 66.0114 (1) (b) of the statutes is renumbered 66.0114 (1) (b) 1. and
2 amended to read:
3 66.0114 **(1)** (b) 1. Local ordinances, except as provided in ~~this paragraph or~~ ss.
4 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any
5 or all violations under those ordinances, may designate the manner in which the
6 stipulation is to be made, and may fix the penalty to be paid. ~~When~~ Except as
7 provided in subd. 2., when a person charged with a violation for which stipulation
8 of guilt or no contest is authorized makes a timely stipulation and pays the required
9 penalty, plus costs, fees, and surcharges imposed under ch. 814, to the designated
10 official, the person need not appear in court and no witness fees or other additional
11 costs, fees, or surcharges may be imposed under ch. 814 unless the local ordinance
12 so provides. ~~A court appearance is required for a violation of a local ordinance in~~
13 ~~conformity with s. 346.63 (1).~~
14 **SECTION 2.** 66.0114 (1) (b) 2. of the statutes is created to read:
15 66.0114 **(1)** (b) 2. A person who is charged with a violation of a local ordinance
16 in conformity with s. 346.63 (1) or (5) shall appear, in person, in court to plead guilty,
17 no contest, or not guilty.
18 **SECTION 3.** 345.26 (1) (b) 3. of the statutes is created to read:
19 345.26 **(1)** (b) 3. Subdivision 1. does not apply to a person who is charged with
20 a violation of s. 346.63 (1) or (5) or a local ordinance in conformity therewith and who

is required to appear in person pursuant to s. 66.0114 (1) (b) 2., 800.035 (5) (a), or 967.055 (2m).

SECTION 4. 800.035 (5) (a) of the statutes is amended to read:

800.035 **(5)** (a) If a defendant is charged with a violation of an ordinance in conformity with s. 346.63 (1) or (5), the municipality ~~may~~ shall, by ordinance, require the defendant to appear in person before the court.

SECTION 5. 967.055 (2m) of the statutes is created to read:

967.055 **(2m)** PERSONAL APPEARANCE IN COURT. A person who is charged with a civil violation of s. 346.63 (1) or (5) or a local ordinance in conformity therewith shall appear in person in court to enter a plea of guilty, no contest, or not guilty to the charge. In this subsection, "court" may mean a circuit court or a municipal court.

SECTION 6. Initial applicability.

(1) This act first applies to violations that occur on the effective date of this subsection.

(END)

State of Wisconsin
2013 – 2014 LEGISLATURE

LRBa0787/1
PJH:...

ASSEMBLY AMENDMENT ,

TO ASSEMBLY BILL 67

At the locations indicated, amend the bill as follows:

1. Page 3, line 11: after that line insert:

"**SECTION 5m. Nonstatutory provisions.**

(1) AUDIT OF THE IMPACT ON THE STATEWIDE MUNICIPAL COURT SYSTEM OF CHANGES REQUIRING A PERSONAL APPEARANCE IN CASES RELATING TO OPERATING WHILE INTOXICATED. The legislative audit bureau shall perform an audit of municipal courts state wide to determine the financial and administrative cost to the courts to comply with sections 66.0114 (1) (b), 345.36 (1) (b) and 967.055 of the statutes, as affected by this act, and prepare a report containing its conclusions and recommendations for addressing any negative consequences of the changes. No later than eighteen months after the effective date of this subsection, the legislative audit bureau shall submit copies of the audit report and its recommendations to the chief clerk of each

1 house of the legislature for distribution to the appropriate standing committees
2 under section 13.172 (3) of the statutes.".
3 **(END)**