

2013 DRAFTING REQUEST

Senate Amendment (SA-AB180)

Received: 3/17/2014 Received By: emueller
Wanted: As time permits Same as LRB:
For: Tim Carpenter (608) 266-8535 By/Representing: Stuart Ewy
May Contact: Drafter: emueller
Subject: Drunk Driving - other Addl. Drafters:
Extra Copies: PJH

Submit via email: YES
Requester's email: Sen.Carpenter@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Add AB67

Instructions:

See attached

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>
/?	emueller 3/17/2014	scalvin 3/17/2014		_____			
/1			rschluct 3/17/2014	_____	mbarman 3/17/2014	mbarman 3/17/2014	

FE Sent For:

<END>

2013 DRAFTING REQUEST

Senate Amendment (SA-AB180)

Received: 3/17/2014 Received By: emueller
 Wanted: As time permits Same as LRB:
 For: Tim Carpenter (608) 266-8535 By/Representing: Stuart Ewy
 May Contact: Drafter: emueller
 Subject: Drunk Driving - other Addl. Drafters:
 Extra Copies: PJH

Submit via email: YES
 Requester's email: Sen.Carpenter@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

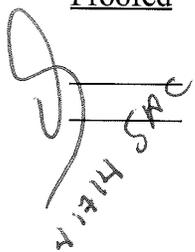
Topic:

Add AB67

Instructions:

See attached

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>
1?	emueller						
1	EMM 3/17/14	1 SAC 03/17/2014	1 SAC 03/17/2014				

FE Sent For:

<END>

Mueller, Eric

From: Ewy, Stuart
Sent: Monday, March 17, 2014 3:45 PM
To: Mueller, Eric
Cc: Sen.Carpenter
Subject: Amendment drafting request 3

Hi Eric,

Thanks for checking. Yes, draft to the version that passed the Assembly.

Regards,

G. Stuart Ewy
Office of Senator Tim Carpenter
State Capitol 109 S
608.266.8535

From: Sen.Carpenter
Sent: Monday, March 17, 2014 3:40 PM
To: Ewy, Stuart
Subject: Re: another question

Yes- identical version that passed to Assembly

On Mar 17, 2014, at 3:34 PM, "Ewy, Stuart" <Stuart.Ewy@legis.wisconsin.gov> wrote:

Hey Tim,

FYI

Is this what you would like?

[AA2 was added to the that version that passed
<https://docs.legis.wisconsin.gov/2013/related/lcamendmemo/ab67.pdf>
<https://docs.legis.wisconsin.gov/2013/proposals/ab67>]

Stuart

From: Mueller, Eric
Sent: Monday, March 17, 2014 3:28 PM
To: Ewy, Stuart
Subject: RE: Amendment drafting request 3

Stuart,

Do you want AB67 as amended by AA2?

Eric Mueller
Attorney, Legislative Reference Bureau
Phone: (608)261-7032
eric.mueller@legis.wisconsin.gov

From: LRB.Legal
Sent: Monday, March 17, 2014 3:19 PM
To: Mueller, Eric
Subject: FW: Amendment drafting request 3

From: Ewy, Stuart
Sent: Monday, March 17, 2014 3:17 PM
To: LRB.Legal
Cc: Sen.Carpenter
Subject: Amendment drafting request 3

LRB Legal

Hello,

Can you please draft AB 67 [Relating to: requiring persons accused of violating traffic laws and ordinances related to driving while intoxicated to appear in person in court] as an amendment to AB 180 [Relating to: penalties and testing for operating-while-intoxicated offenses and providing a penalty]?

AB 180 is on the senate calendar tomorrow.

If you have any questions or comments, please let me know.

Regards,

G. Stuart Ewy
Office of Senator Tim Carpenter
State Capitol 109 S
608.266.8535



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0727/1 a 2145/1
PJH:cjs:jf
3
EVM

INSERTS

2013 ASSEMBLY BILL 67

RMNR

SA - AB 180

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

3/17/14

Today

- 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.

ASSEMBLY BILL 67

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. Page 3, line 12: after that line insert:

1 " ~~SECTION 1.~~ ^{2d.} 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.~~ ^{2h.} 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.

INSERT 2-17

18 ~~SECTION 3.~~ ^{2t} 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

INSERT 2-18

ASSEMBLY BILL 67

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

3 " SECTION ~~4.~~^{7e.} 800.035 (5) (a) of the statutes is amended to read:

4 800.035 (5) (a) If a defendant is charged with a violation of an ordinance in
5 conformity with s. 346.63 (1) or (5), the municipality ~~may~~ shall, by ordinance, require
6 the defendant to appear in person before the court. INSERT 3-6

7 SECTION ~~5.~~^{7s} 967.055 (2m) of the statutes is created to read:

8 967.055 (2m) PERSONAL APPEARANCE IN COURT. (a) A person who is charged with a
9 civil violation of s. 346.63 (1) or (5) or a local ordinance in conformity therewith shall
10 appear in person in court to enter a plea of guilty, no contest, or not guilty to the
11 charge. In this subsection, "court" may mean a circuit court or a municipal court. INSERT 3-11

12 SECTION 6. Initial applicability.

13 (1) This act first applies to violations that occur on the effective date of this
14 subsection. INSERT 3-12

15 (END)

2. Page 5, line 12; after that line insert:

19
3. Page 5, line 19: after that line insert:

" (2) The treatment of sections 66.0114
66.0114(1)(b),
345.26 (1)(b) 3., 800.035 (5)(a) and (am), and
967.055 (2m) ^(2m) first apply to violations that ^{occur on} occur on
the effective date of this subsection. "

the renumbering and
amendment of section
66.0114(1)(b), and
the creation
of section
66.0114(1)(b)
2. and 3.



INSERT

~~ASSEMBLY AMENDMENT 2,
TO ASSEMBLY BILL 67~~

September 12, 2013 - Offered by Representative J. Ott.

INSERT 2-17

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 17: after "not guilty." insert "A person who fails to appear, in
3 person, in court is subject to arrest and to a \$300 surcharge pursuant to subd. 3".

4 **2.** Page 2, line 17: after that line insert:

5 "SECTION ~~2m.~~ 66.0114 (1) (b) 3. of the statutes is created to read:

6 66.0114 (1) (b) 3. If a person who is required under subd. 2. to appear, in person,
7 in court to enter a plea fails to appear in court, the court shall do all of the following:

8 a. Enter a default judgment against the person and impose the applicable
9 penalties, except that the court shall withhold imposing a forfeiture for the violation
10 until the person appears, in person, before the court.

11 b. Issue a warrant for the person's arrest so that the person may appear before
12 the court in order for the court to impose a forfeiture for the violation.

INS. 2-18

cfcl
↓

INSERT
2-18

1 c. Impose a \$300 surcharge on the person for his or her failure to appear. The
2 surcharge may be retained by the municipal court to offset the costs of holding a
3 hearing to impose the forfeiture.”

4 **3.** Page 3, line 6: after “the court.” insert “The ordinance shall specify that a
5 person who fails to appear in person before the court is subject to arrest and to a \$300
6 surcharge pursuant to par. (am)”.

INSERT 3-6

7 **4.** Page 3, line 6: after that line insert:

8

“SECTION ~~4m.~~ ^{7m} 800.035 (5) (am) of the statutes is created to read:

9 800.035 (5) (am) If a person who is required under par. (a) to appear in person
10 before the court to enter a plea fails to appear in court, the court shall do all of the
11 following:

12 1. Enter a default judgment against the person and impose the applicable
13 penalties, except that the court shall withhold imposing a forfeiture for the violation
14 until the person appears in person before the court.

15 2. Issue a warrant for the person’s arrest so that the person may appear before
16 the court in order for the court to impose a forfeiture for the violation.

17 3. Impose a \$300 surcharge on the person for his or her failure to appear. The
18 surcharge may be retained by the municipal court to offset the costs of holding a
19 hearing to impose the forfeiture.”

INSERT
3-7

20 **5.** Page 3, line 8: after “COURT.” insert “(a)”.

21 **6.** Page 3, line 11: after “charge.” insert “A person who fails to appear in person
22 in court is subject to arrest and to a \$300 surcharge pursuant to par. (b)”.

INSERT
3-11

23 **7.** Page 3, line 11: after that line insert:

INSERT 3-12

1 (b) If a person who is required under par. (a) to appear in person in court to
2 enter a plea fails to appear in court, the court shall do all of the following:

3 1. Enter a default judgment against the person and impose the applicable
4 penalties, except that the court shall withhold imposing a forfeiture for the violation
5 until the person appears in person before the court.

6 2. Issue a warrant for the person's arrest so that the person may appear before
7 the court in order for the court to impose a forfeiture for the violation.

8 3. Impose a \$300 surcharge on the person for his or her failure to appear. The
9 surcharge may be retained by the municipal court or the clerk of circuit court to offset
10 the costs of holding a hearing to impose the forfeiture.”

11 (END)