

State of Wisconsin



2017 Senate Bill 9

Date of enactment: **August 2, 2017**
Date of publication*: **August 3, 2017**

2017 WISCONSIN ACT 40

AN ACT *to repeal* 345.35; and *to amend* 345.34 (1) and 345.36 (title) and (1) of the statutes; **relating to:** court proceedings for traffic violations.

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

SECTION 1. 345.34 (1) of the statutes is amended to read:

345.34 (1) If the defendant appears in response to a citation, or is arrested and brought before a court with jurisdiction to try the case, the defendant shall be informed that he or she is entitled to a jury trial and then asked whether he or she wishes presently to plead, or whether he or she wishes a continuance. ~~If the defendant wishes to plead, the~~ The defendant may plead guilty, not guilty, or no contest. If the defendant requests a continuance at the initial appearance, the court shall adjourn the arraignment without entering any plea.

SECTION 2. 345.35 of the statutes is repealed.

SECTION 3. 345.36 (title) and (1) of the statutes are amended to read:

345.36 (title) Not guilty plea; continuance; failure to appear. (1) ~~If Except as provided in this subsection, if the defendant pleads not guilty and requests a continuance, the court shall set a future date for trial or advise the defendant that notice will later be sent of the date set for trial. If the defendant appears in response to a nonmoving traffic violation under s. 345.28, the court may provide an immediate trial.~~ The court shall release the defendant if he or she posts an appearance bond, or the court may release the defendant on recognizance or without bail. A defendant not so released shall be committed to jail to await trial.

SECTION 4. Initial applicability.

(1) This act first applies to court proceedings commenced on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."