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# Wisconsin Legislative Council

## ACT MEMO

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**Prepared by:** Melissa Schmidt, Senior Staff Attorney

March 9, 2020

### 2019 Wisconsin Act 71 [2019 Senate Bill 233]

### WRS Withholdings Pursuant to Restitution Orders

2019 Wisconsin Act 71 authorizes the Department of Employee Trust Funds (ETF) to withhold money from a participant's Wisconsin Retirement System (WRS) annuity or lump sum payment if ETF is ordered to do so by a court in a restitution order. ETF is required under the act to deliver any amount that it withholds in accordance with the restitution order.

The act also specifically provides that a court's restitution order may require ETF to withhold the amount of restitution from any payment of the defendant's WRS annuity or lump sum and deliver any amount that is withheld in accordance with the current process for delivering restitution payments<sup>1</sup>, if all of the following apply:

- The crime for which the restitution is ordered is both theft and misconduct in public office.
- The crime resulted in loss of property for the defendant's employer that participates in the WRS.
- The value of the property exceeds \$2,500.

**Effective date:** January 23, 2020

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<sup>1</sup> Under current law, restitution is delivered to the Department of Corrections for transfer to the victim or any other person to be compensated. However, if the defendant is not placed on probation or sentenced to prison, the court may order that restitution be paid to the clerk of court for transfer to the victim or any other person to be compensated. [s. 973.20 (11) (a), Stats.]