

1993 Assembly Bill 476

Date of enactment: **March 17, 1994**
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1993 WISCONSIN ACT 156

AN ACT to renumber 23.62; to renumber and amend 23.75 (3) (a); and to create 23.62 (2), 23.75 (3) (a) 2 and 23.795 of the statutes, relating to: failure to pay judgments entered for violations of hunting, fishing and certain other laws and providing a penalty.

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

SECTION 1. 23.62 of the statutes is renumbered 23.62 (1).

SECTION 2. 23.62 (2) of the statutes is created to read:
23.62 (2) A citation may be issued or served anywhere in the state by delivering a copy to the defendant personally or it shall be served by leaving a copy at the defendant's usual place of abode with a person of discretion residing therein or by mailing a copy to the defendant's last-known address. It shall be issued or served by a law enforcement officer.

SECTION 3. 23.75 (3) (a) of the statutes is renumbered 23.75 (3) (a) 1. and amended to read:

23.75 (3) (a) 1. If the defendant has not made a deposit, the court may consider the nonappearance to be a plea of no contest and enter judgment accordingly or the court may issue a summons or an arrest warrant.

SECTION 4. 23.75 (3) (a) 2. of the statutes is created to read:

23.75 (3) (a) 2. If the court considers the nonappearance to be a plea of no contest and enters judgment accordingly, the court shall promptly mail a copy or notice of the judgment to the defendant. The judgment shall allow the defendant not less than 20 working days from the date the judgment copy or notice is mailed to pay the forfeiture, penalty assessment and jail assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources

assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment and any applicable natural resources restitution payment plus costs, including any applicable fees prescribed in ch. 814.

SECTION 5. 23.795 of the statutes is created to read:
23.795 Nonpayment of judgments. (1) If a defendant fails to timely pay a judgment entered under s. 23.75 (3) (a) 2. or 23.79, the court may issue an arrest warrant or a summons ordering the defendant to appear in court or both. If the defendant appears before the court pursuant to a warrant or summons or the defendant otherwise notifies the court that he or she is unable to pay the judgment, the court shall conduct a hearing. If the defendant failed to pay the forfeiture, the court shall determine if the defendant is unable to pay the amount specified in the judgment for good cause or because of the defendant's indigence. If the court determines that the failure of the defendant to comply with the judgment is for good cause or because of the defendant's indigence, the court may order that the amount of the judgment be modified, suspended or permanently stayed. If the defendant fails to appear before the court for a hearing under this subsection or if the court determines at the hearing that the failure of a defendant to pay the judgment is not for good cause or not because of the defendant's indigence, the court shall order one of the following:

(a) That the defendant be imprisoned for a time not to exceed 5 days or until the amount is paid, whichever is less.

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(b) That the amount of the judgment be modified, suspended or permanently stayed.

(2) In lieu of an order of imprisonment under sub. (1) (a) for a violation of ch. 29, the court may revoke or suspend any privilege or approval granted under ch. 29 as provided in s. 29.99 (12).

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SECTION 6. Initial applicability. This act first applies to violations occurring on the effective date of this SECTION.

SECTION 7. Effective date. This act takes effect on July 1, 1994.