



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBs0310/1  
PJH:jld:jm

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2011 ASSEMBLY BILL 385**

February 27, 2012 - Offered by Representative JACQUE.

1     **AN ACT** *to renumber and amend* 973.045 (2); *to amend* 23.85, 59.40 (2) (n),  
2           973.045 (1) (a) and 973.045 (1) (b); and *to create* 59.25 (3) (gm), 757.17, 973.045  
3           (1r) (a) 4., 973.045 (2) (b) and 973.045 (3) (d) of the statutes; **relating to:**  
4           increasing the crime victim and witness assistance surcharge and dedicating  
5           funds for crime prevention organizations.

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***Analysis by the Legislative Reference Bureau***

Under current law, if a person commits a crime, the court that sentences the person or places the person on probation must impose a surcharge in addition to any other sentence imposed upon the person. Currently, if the person is convicted of a misdemeanor, he or she must pay \$67; if the person is convicted of a felony, he or she must pay \$92. The surcharge is divided three ways: part A (\$40 for each misdemeanor surcharge and \$65 for each felony surcharge), part B (\$20 for each misdemeanor and felony surcharge), and part C (\$7 for each misdemeanor and felony surcharge).

Currently, the clerk of courts collects the surcharge amounts and forwards them to the county treasurer, who in turn forwards them to the Department of Administration to help fund programs for victims and witnesses of crime. Funds from parts A and C are used to reimburse victims and witnesses and reimburse

counties for victim and witness programs. Funds from part B are used to fund services for victims of sexual assault. Current law requires a person who is assessed this surcharge to pay part A in full before he or she pays part B, and both parts A and B before he or she pays part C.

This substitute amendment increases the surcharge by \$10 for a misdemeanor and for a felony. The substitute amendment creates a part D, which is funded by \$10 for each misdemeanor or felony and which a person who is assessed the surcharge may pay only after he or she pays parts A, B, and C in full. Under the substitute amendment, the clerk of court forwards the amounts collected under part D to the county treasurer along with the other parts of the surcharge, but the treasurer retains those funds in a crime prevention fund.

Under the substitute amendment, the county treasurer, with the approval of the county board, pays the funds it receives from part D of the surcharge to a crime prevention organization. At least one-half of the funds must go to one or more private, nonprofit organizations that has as its primary purpose preventing crime, encouraging the public to report crime, or assisting law enforcement agencies in the apprehension of criminal offenders. The treasurer may pay the rest of the funds to a law enforcement agency that has a crime prevention fund, if the contribution is credited to the crime prevention fund and is used for crime prevention purposes. The substitute amendment requires any crime prevention organization that receives a contribution surcharge to submit a report annually to the clerk of the court that ordered the contribution. The report must list the names of the officers of the organization, the amount of contributions the organization received, how the contributions were spent, and the balance, if any, remaining at the time the report is made.

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

1           **SECTION 1.** 23.85 of the statutes is amended to read:

2           **23.85 Statement to county board; payment to state.** Every county  
3 treasurer shall, on the first day of the annual meeting of the county board of  
4 supervisors, submit to it a verified statement of all forfeitures, costs, fees, and  
5 surcharges imposed under ch. 814 and received during the previous year. The county  
6 clerk shall deduct all expenses incurred by the county in recovering those forfeitures,  
7 costs, fees, and surcharges from the aggregate amount so received, and shall  
8 immediately certify the amount of clear proceeds of those forfeitures, costs, fees, and

1 surcharges to the county treasurer, who shall pay the proceeds to the state as  
2 provided in s. 59.25 (3). Jail surcharges imposed under ch. 814 shall be treated  
3 separately as provided in s. 302.46 and part D of the victim witness assistance  
4 surcharge shall be treated separately as provided in s. 973.045 (2) (b).

5 **SECTION 2.** 59.25 (3) (gm) of the statutes is created to read:

6 59.25 (3) (gm) 1. Deposit all moneys received under s. 973.045 (2) (b) into a  
7 crime prevention fund and, on order of the board under par. (b), make payments to  
8 the following:

9 a. One or more private nonprofit organizations within the county that has as  
10 its primary purpose preventing crime, encouraging the public to report crime, or  
11 assisting law enforcement agencies in the apprehension of criminal offenders.

12 b. A law enforcement agency within the county that has a crime prevention  
13 fund, if the contribution is credited to the crime prevention fund and is used for crime  
14 prevention purposes.

15 2. Not less than 50 percent of the payments made under subd. 1. shall be made  
16 to one or more organizations described in subd. 1. a.

17 **SECTION 3.** 59.40 (2) (n) of the statutes is amended to read:

18 59.40 (2) (n) Pay monthly to the treasurer the amounts required by s. 302.46  
19 (1) for the jail assessment surcharge and the amounts required by s. 973.045 (2) (b).  
20 The payments shall be made by the 15th day of the month following receipt thereof.

21 **SECTION 4.** 757.17 of the statutes is created to read:

22 **757.17 Reporting by certain organizations and agencies.** Every  
23 organization or agency that receives funds under s. 59.25 (3) (gm) shall submit a  
24 report annually by February 1 to the clerk of the court for the county that distributed  
25 the funds. The report shall be on a form designed and provided by the director of state

1 courts and shall include all of the following information for the calendar year  
2 preceding the submittal of the report:

3 (1) The amount received.

4 (2) The expenditures made with the funds.

5 (3) The balance of the funds remaining.

6 (4) The name of the organization or agency that received the funds and the  
7 names of the officers of the organization or agency.

8 **SECTION 5.** 973.045 (1) (a) of the statutes is amended to read:

9 973.045 (1) (a) For each misdemeanor offense or count, ~~\$67~~ \$77.

10 **SECTION 6.** 973.045 (1) (b) of the statutes is amended to read:

11 973.045 (1) (b) For each felony offense or count, ~~\$92~~ \$102.

12 **SECTION 7.** 973.045 (1r) (a) 4. of the statutes is created to read:

13 973.045 (1r) (a) 4. Part D equals \$10 for each misdemeanor offense or count and  
14 \$10 for each felony offense or count.

15 **SECTION 8.** 973.045 (2) of the statutes is renumbered 973.045 (2) (a) and  
16 amended to read:

17 973.045 (2) (a) After the clerk determines the amount due, the clerk of court  
18 shall collect and transmit the amount amounts collected under parts A, B, and C to  
19 the county treasurer under s. 59.40 (2) (m). The county treasurer shall then make  
20 payment to the secretary of administration under s. 59.25 (3) (f) 2.

21 **SECTION 9.** 973.045 (2) (b) of the statutes is created to read:

22 973.045 (2) (b) After the clerk determines the amount due, the clerk of court  
23 shall collect and transmit the amount collected under part C to the county treasurer  
24 under s. 59.40 (2) (n). The county treasurer shall then distribute the moneys under  
25 s. 59.25 (3) (gm).

