



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2015 Assembly Bill 352**

**Assembly Substitute  
Amendment 1**

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### **2015 ASSEMBLY BILL 352**

Assembly Bill 351 requires personal appearance in court for all persons cited for a first-time, civil traffic violation for operating a vehicle while under the influence of an intoxicant (“OWI”). Under current law, such a person may choose to appear in court to plead not guilty for the violation or may choose to pay the forfeiture assessed for the violation and not appear in court. Under the bill, court appearance is required even if the person wishes to plead guilty to the charge. If the person fails to appear in court, the bill requires the court to do three things:

- Enter a default judgment.
- Impose a \$300 surcharge, but withhold the forfeiture penalty until the person appears in person in court.
- Issue a warrant for arrest to bring the person to court for issuance of the forfeiture associated with the judgment.

### **ASSEMBLY SUBSTITUTE AMENDMENT 1**

Assembly Substitute Amendment 1, like the bill, requires personal appearance in court for first-time OWI violations. However, if the person does not appear in person in court, the requirements for the court are different from the bill. The substitute amendment requires the court to:

- Enter a default judgment.
- Impose all penalties including the forfeiture associated with the judgment.
- Impose a \$300 surcharge for failure to appear.

**BILL HISTORY**

Assembly Substitute Amendment 1 was offered by Representative J. Ott on October 27, 2015. On November 13, 2015, the Assembly Committee on Judiciary recommended adoption of the substitute amendment on a vote of Ayes, 9; Noes, 0. The committee then voted to recommend passage of the bill, as amended, on a vote of Ayes, 8; Noes, 1.

JO:ksm