



1995 SENATE BILL 152

April 26, 1995 - Introduced by Senator ADELMAN. Referred to Committee on Judiciary.

1 **AN ACT** *to amend* 973.20 (1) and 973.20 (2) (intro.); and *to create* 973.20 (2m)
2 of the statutes; **relating to:** criminal damage to a mailbox.

Analysis by the Legislative Reference Bureau

Under current law, whenever a court imposes a sentence or orders probation for any crime, the court must order the defendant to make restitution payments to crime victims unless the court finds a substantial reason not to do so. The restitution law has various general and specific provisions for the court to use to determine what the restitution order may include. The law permits the court to order the defendant to make restitution payments to pay for property damage. This bill requires the court to order the defendant to make restitution payments regarding any criminal damage to a mailbox that is located on private property.

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

3 **SECTION 1.** 973.20 (1) of the statutes is amended to read:
4 973.20 (1) When imposing sentence or ordering probation for any crime, the
5 court, in addition to any other penalty authorized by law, shall order the defendant
6 to make full or partial restitution under this section to any victim of the crime or, if
7 the victim is deceased, to his or her estate, unless the court finds substantial reason
8 not to do so and states the reason on the record. The court may not make the
9 substantial reason finding if the circumstances under sub. (2m) apply. Restitution

1 ordered under this section is a condition of probation or parole served by the
2 defendant for the crime. After the termination of probation or parole, or if the
3 defendant is not placed on probation or parole, restitution ordered under this section
4 is enforceable in the same manner as a judgment in a civil action by the victim named
5 in the order to receive restitution or enforced under ch. 785.

6 **SECTION 2.** 973.20 (2) (intro.) of the statutes is amended to read:

7 973.20 (2) (intro.) If Except as provided in sub. (2m), if the crime resulted in
8 damage to or loss or destruction of property, the restitution order may require that
9 the defendant:

10 **SECTION 3.** 973.20 (2m) of the statutes is created to read:

11 973.20 (2m) (a) In this subsection, "private property" means property that is
12 owned by a person other than a federal, state or local governmental body or unit.

13 (b) If the defendant violated s. 943.01 and the violation resulted in damage to
14 a mailbox that is located on private property, the restitution order shall require the
15 defendant to pay for the damage in accordance with sub. (2) (b).

16 **SECTION 4. Initial applicability.**

17 (1) This act first applies to offenses committed on the effective date of this
18 subsection.

19 (END)