



## 1997 ASSEMBLY BILL 147

March 4, 1997 - Introduced by Representatives CARPENTER, URBAN, M. LEHMAN, BOCK, NOTESTEIN, KEDZIE, J. LEHMAN, BOYLE and R. POTTER, cosponsored by Senators CLAUSING and BUETTNER. Referred to Committee on Ways and Means.

1     **AN ACT to amend** 59.25 (3) (f) 2., 59.40 (2) (m), 66.119 (1) (b) 7. c., 66.119 (1) (b)  
2             7. d., 66.119 (1) (c), 66.119 (3) (a), 66.119 (3) (b), 66.119 (3) (c), 66.119 (3) (d), 66.12  
3             (1) (b), 345.26 (1) (b) 1., 345.26 (2) (b), 345.36 (2) (b), 345.37 (1) (b), 345.37 (2),  
4             345.37 (5), 345.375 (2), 345.47 (title), 345.47 (1) (intro.), 345.47 (1) (b), 345.47  
5             (1) (c), 345.47 (2), 345.47 (3), 345.49, 345.61 (2) (c), 346.655 (1), 778.02, 778.03,  
6             778.06, 778.10, 778.105, 778.13, 778.18, 800.02 (2) (a) 8., 800.02 (3) (a) 5., 800.03  
7             (3), 800.04 (2) (c), 800.09 (1), 800.09 (2) (b), 800.095 (4) (b) 1., 800.10 (2), 800.12  
8             (2), 938.237 (2), 938.37 (1), 938.37 (3), 973.05 (1), 973.05 (2), 973.05 (3) (a) and  
9             973.07; and **to create** 20.435 (1) (gt), 146.58 (9), 345.15, 814.60 (2) (cg) and  
10            814.63 (3) (bg) of the statutes; **relating to:** imposing an emergency medical  
11            services surcharge, requiring distribution of funds by the emergency medical  
12            services board and making an appropriation.

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

Under current law, any person convicted of a state or local traffic law violation (except for parking or certain safety belt use violations) must, in addition to any

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forfeiture or fine imposed, pay a penalty assessment, jail assessment and any applicable fees. This bill requires the person to also pay an emergency medical services surcharge of \$5. Under the bill, the emergency medical services board must annually distribute moneys obtained from the imposition of this surcharge, under a funding formula, for ambulance service vehicles or vehicle equipment, emergency medical services supplies or equipment or emergency medical training for personnel.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 20.435 (1) (gt) of the statutes is created to read:

2           20.435 (1) (gt) *Emergency medical services; aids.* All moneys received from  
3 emergency medical services surcharges imposed under s. 345.15 (2), to be used for  
4 ambulance service vehicles or vehicle equipment, emergency medical services  
5 supplies or equipment or emergency medical training for personnel under s. 146.58  
6 (9).

7           **SECTION 2.** 59.25 (3) (f) 2. of the statutes is amended to read:

8           59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be  
9 deposited in the state treasury, the amounts required by s. 165.87 for the penalty  
10 assessment surcharge, the amounts required by s. 167.31 (5) for the weapons  
11 assessment, the amounts required by s. 973.045 for the crime victim and witness  
12 assistance surcharge, the amounts required by s. 973.046 for the deoxyribonucleic  
13 acid analysis surcharge, the amounts required by s. 961.41 (5) for the drug abuse  
14 program improvement surcharge, the amounts authorized by s. 971.37 (1m) (c) 1. or  
15 required by s. 973.055 (1) for the domestic abuse assessment, the amounts required  
16 by s. 345.15 for the emergency medical services surcharge, the amounts required by  
17 s. 346.655 (2) (a) and (b) for the driver improvement surcharge, the amounts required  
18 by s. 102.85 (4) for the uninsured employer assessment, the amounts required by s.

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1 299.93 for the environmental assessment, the amounts required by s. 29.9965 for the  
2 wild animal protection assessment, the amounts required by s. 29.997 for the natural  
3 resources assessment surcharge, the amounts required by s. 29.9967 for the fishing  
4 shelter removal assessment, the amounts required by s. 350.115 for the snowmobile  
5 registration restitution payment and the amounts required by s. 29.998 for natural  
6 resources restitution payments, transmit to the state treasurer a statement of all  
7 moneys required by law to be paid on the actions entered during the preceding month  
8 on or before the first day of the next succeeding month, certified by the county  
9 treasurer's personal signature affixed or attached thereto, and at the same time pay  
10 to the state treasurer the amount thereof.

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

12 59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's  
13 percentage of the fees required to be paid on each civil action, criminal action and  
14 special proceeding filed during the preceding month and pay monthly to the  
15 treasurer for the use of the state the percentage of court imposed fines and forfeitures  
16 required by law to be deposited in the state treasury, the amounts required by s.  
17 165.87 (2) (b) for the penalty assessment surcharge, the amounts required by s.  
18 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the  
19 crime victim and witness assistance surcharge, the amounts required by s. 973.046  
20 for the deoxyribonucleic acid analysis surcharge, the amounts required by s. 961.41  
21 (5) for the drug abuse program improvement surcharge, the amounts authorized by  
22 s. 971.37 (1m) (c) 1. or required by s. 973.055 for the domestic abuse assessment  
23 surcharge, the amounts required by s. 345.15 for the emergency medical services  
24 surcharge, the amounts required by s. 346.655 for the driver improvement  
25 surcharge, the amounts required by s. 102.85 (4) for the uninsured employer

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1 assessment, the amounts required by s. 299.93 for the environmental assessment,  
2 the amounts required under s. 29.9965 for the wild animal protection assessment,  
3 the amounts required under s. 29.997 (1) (d) for the natural resources assessment  
4 surcharge, the amounts required by s. 29.9967 for the fishing shelter removal  
5 assessment, the amounts required by s. 350.115 for the snowmobile registration  
6 restitution payment and the amounts required under s. 29.998 (1) (d) for the natural  
7 resources restitution payments. The payments shall be made by the 15th day of the  
8 month following receipt thereof.

9 **SECTION 4.** 66.119 (1) (b) 7. c. of the statutes is amended to read:

10 66.119 (1) (b) 7. c. That if the alleged violator makes a cash deposit and does  
11 not appear in court, he or she either will be deemed to have tendered a plea of no  
12 contest and submitted to a forfeiture, a penalty assessment imposed by s. 165.87, a  
13 jail assessment imposed by s. 302.46 (1), any applicable emergency medical services  
14 surcharge imposed by s. 345.15 (2) and any applicable domestic abuse assessment  
15 imposed by s. 973.055 (1) not to exceed the amount of the deposit or will be summoned  
16 into court to answer the complaint if the court does not accept the plea of no contest.

17 **SECTION 5.** 66.119 (1) (b) 7. d. of the statutes is amended to read:

18 66.119 (1) (b) 7. d. That if the alleged violator does not make a cash deposit and  
19 does not appear in court at the time specified, the court may issue a summons or a  
20 warrant for the defendant's arrest or consider the nonappearance to be a plea of no  
21 contest and enter judgment under sub. (3) (d), or the municipality may commence an  
22 action against the alleged violator to collect the forfeiture, the penalty assessment  
23 imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), any applicable  
24 emergency medical services surcharge imposed by s. 345.15 (2) and any applicable  
25 domestic abuse assessment imposed by s. 973.055 (1).

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1           **SECTION 6.** 66.119 (1) (c) of the statutes is amended to read:

2           66.119 (1) (c) An ordinance adopted under par. (a) shall contain a schedule of  
3 cash deposits that are to be required for the various ordinance violations, and for the  
4 penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46  
5 (1), any applicable emergency medical services surcharge imposed by s. 345.15 (2)  
6 and any applicable domestic abuse assessment imposed by s. 973.055 (1), for which  
7 a citation may be issued. The ordinance shall also specify the court, clerk of court  
8 or other official to whom cash deposits are to be made and shall require that receipts  
9 be given for cash deposits.

10           **SECTION 7.** 66.119 (3) (a) of the statutes is amended to read:

11           66.119 (3) (a) The person named as the alleged violator in a citation may appear  
12 in court at the time specified in the citation or may mail or deliver personally a cash  
13 deposit in the amount, within the time and to the court, clerk of court or other official  
14 specified in the citation. If a person makes a cash deposit, the person may  
15 nevertheless appear in court at the time specified in the citation, provided that the  
16 cash deposit may be retained for application against any forfeiture, restitution,  
17 penalty assessment, jail assessment, emergency medical services surcharge or  
18 domestic abuse assessment that may be imposed.

19           **SECTION 8.** 66.119 (3) (b) of the statutes is amended to read:

20           66.119 (3) (b) If a person appears in court in response to a citation, the citation  
21 may be used as the initial pleading, unless the court directs that a formal complaint  
22 be made, and the appearance confers personal jurisdiction over the person. The  
23 person may plead guilty, no contest or not guilty. If the person pleads guilty or no  
24 contest, the court shall accept the plea, enter a judgment of guilty and impose a  
25 forfeiture, the penalty assessment imposed by s. 165.87, the jail assessment imposed

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1 by s. 302.46 (1), any applicable emergency medical services surcharge imposed by s.  
2 345.15 (2) and any applicable domestic abuse assessment imposed by s. 973.055 (1).  
3 If the court finds that the violation meets the conditions in s. 800.093 (1), the court  
4 may order restitution under s. 800.093. A plea of not guilty shall put all matters in  
5 the case at issue, and the matter shall be set for trial.

6 **SECTION 9.** 66.119 (3) (c) of the statutes is amended to read:

7 66.119 (3) (c) If the alleged violator makes a cash deposit and fails to appear  
8 in court, the citation may serve as the initial pleading and the violator shall be  
9 considered to have tendered a plea of no contest and submitted to a forfeiture, the  
10 penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46  
11 (1), any applicable emergency medical services surcharge imposed by s. 345.15 (2)  
12 and any applicable domestic abuse assessment imposed by s. 973.055 (1) not  
13 exceeding the amount of the deposit. The court may either accept the plea of no  
14 contest and enter judgment accordingly or reject the plea. If the court finds the  
15 violation meets the conditions in s. 800.093 (1), the court may summon the alleged  
16 violator into court to determine if restitution shall be ordered under s. 800.093. If  
17 the court accepts the plea of no contest, the defendant may move within 10 days after  
18 the date set for the appearance to withdraw the plea of no contest, open the judgment  
19 and enter a plea of not guilty if the defendant shows to the satisfaction of the court  
20 that the failure to appear was due to mistake, inadvertence, surprise or excusable  
21 neglect. If the plea of no contest is accepted and not subsequently changed to a plea  
22 of not guilty, no costs or fees may be taxed against the violator, but a penalty  
23 assessment, a jail assessment and, if applicable, an emergency medical services  
24 surcharge or a domestic abuse assessment shall be assessed. If the court rejects the  
25 plea of no contest, an action for collection of the forfeiture, penalty assessment, jail

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1 assessment and any applicable emergency medical services surcharge or domestic  
2 abuse assessment may be commenced. A city, village, town sanitary district or public  
3 inland lake protection and rehabilitation district may commence action under s.  
4 66.12 (1) and a county or town may commence action under s. 778.10. The citation  
5 may be used as the complaint in the action for the collection of the forfeiture, penalty  
6 assessment, jail assessment and any applicable emergency medical services  
7 surcharge or domestic abuse assessment.

8 **SECTION 10.** 66.119 (3) (d) of the statutes is amended to read:

9 66.119 (3) (d) If the alleged violator does not make a cash deposit and fails to  
10 appear in court at the time specified in the citation, the court may issue a summons  
11 or warrant for the defendant's arrest or consider the nonappearance to be a plea of  
12 no contest and enter judgment accordingly if service was completed as provided  
13 under par. (e) or the county, town, city, village, town sanitary district or public inland  
14 lake protection and rehabilitation district may commence an action for collection of  
15 the forfeiture, penalty assessment and jail assessment and any applicable  
16 emergency medical services surcharge or domestic abuse assessment. A city, village,  
17 town sanitary district or public inland lake protection and rehabilitation district may  
18 commence action under s. 66.12 (1) and a county or town may commence action under  
19 s. 778.10. The citation may be used as the complaint in the action for the collection  
20 of the forfeiture, penalty assessment and jail assessment and any applicable  
21 emergency medical services surcharge or domestic abuse assessment. If the court  
22 considers the nonappearance to be a plea of no contest and enters judgment  
23 accordingly, the court shall promptly mail a copy or notice of the judgment to the  
24 defendant. The judgment shall allow the defendant not less than 20 days from the  
25 date of the judgment to pay any forfeiture, penalty assessment and jail assessment

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1 and any applicable emergency medical services surcharge or domestic abuse  
2 assessment imposed. If the defendant moves to open the judgment within 6 months  
3 after the court appearance date fixed in the citation, and shows to the satisfaction  
4 of the court that the failure to appear was due to mistake, inadvertence, surprise or  
5 excusable neglect, the court shall reopen the judgment, accept a not guilty plea and  
6 set a trial date.

7 **SECTION 11.** 66.12 (1) (b) of the statutes is amended to read:

8 66.12 (1) (b) Local ordinances, except as provided in this paragraph or ss.  
9 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any  
10 or all violations under those ordinances, and may designate the manner in which the  
11 stipulation is to be made and fix the penalty to be paid. When a person charged with  
12 a violation for which stipulation of guilt or no contest is authorized makes a timely  
13 stipulation and pays the required penalty and pays the penalty assessment imposed  
14 by s. 165.87, the jail assessment imposed by s. 302.46 (1), any applicable emergency  
15 medical services surcharge imposed by s. 345.15 (2) and any applicable domestic  
16 abuse assessment imposed by s. 973.055 (1) to the designated official, the person  
17 need not appear in court and no witness fees or other additional costs may be taxed  
18 unless the local ordinance so provides. A court appearance is required for a violation  
19 of a local ordinance in conformity with s. 346.63 (1). The official receiving the  
20 penalties shall remit all moneys collected to the treasurer of the city, village, town  
21 sanitary district or public inland lake protection and rehabilitation district in whose  
22 behalf the sum was paid, except that all jail assessments shall be remitted to the  
23 county treasurer, within 20 days after its receipt by him or her; and in case of any  
24 failure in the payment, the treasurer may collect the payment of the officer by action,  
25 in the name of the office, and upon the official bond of the officer, with interest at the



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1 rate of 12% per year from the time when it should have been paid. In the case of the  
2 penalty assessment imposed by s. 165.87, the driver improvement surcharge  
3 imposed by s. 346.655 (1), the emergency medical services surcharge imposed by s.  
4 345.15 (2) and any applicable domestic abuse assessment imposed by s. 973.055 (1),  
5 the treasurer of the city, village, town sanitary district or public inland lake  
6 protection and rehabilitation district shall remit to the state treasurer the sum  
7 required by law to be paid on the actions so entered during the preceding month on  
8 or before the first day of the next succeeding month. The governing body of the city,  
9 village, town sanitary district or public inland lake protection and rehabilitation  
10 district shall by ordinance designate the official to receive the penalties and the  
11 terms under which the official shall qualify.

12 **SECTION 12.** 146.58 (9) of the statutes is created to read:

13 146.58 (9) (a) From the appropriation under s. 20.435 (1) (gt), annually  
14 distribute funds for ambulance service vehicles or vehicle equipment, emergency  
15 medical services supplies or equipment or emergency medical training for personnel  
16 to an ambulance service provider that is a public agency, a volunteer fire department  
17 or a nonprofit corporation, under a funding formula consisting of an identical base  
18 amount for each ambulance service provider plus a supplemental amount based on  
19 the population of the ambulance service provider's primary service or contract area,  
20 as established under s. 146.50 (5) (a). If a public agency has contracted for ambulance  
21 service with an ambulance service provider that operates for profit, the emergency  
22 medical services board shall distribute funds under this paragraph to the public  
23 agency.

24 (b) Distribute funds under par. (a) only as a supplement to existing, budgeted  
25 moneys of or provided to an ambulance service provider. The funds under par. (a)

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1 may not be used to replace, decrease or release for alternative purposes the existing,  
2 budgeted moneys of or provided to the ambulance service provider. In order to ensure  
3 compliance with this paragraph, the emergency medical services board shall require  
4 a financial report of expenditures under this subsection from an ambulance service  
5 provider and may require a financial report of expenditures under this subsection  
6 from an owner or operator of an ambulance service or a public agency, volunteer fire  
7 department or a nonprofit corporation with which an ambulance service provider has  
8 contracted to provide ambulance services.

9 **SECTION 13.** 345.15 of the statutes is created to read:

10 **345.15 Emergency medical services surcharge. (1)** All moneys collected  
11 from emergency medical services surcharges under this section shall be deposited in  
12 s. 20.435 (1) (gt) and utilized in accordance with s. 146.58 (9).

13 **(2) (a)** Whenever a court imposes a fine or forfeiture for a violation of any state  
14 traffic law or ordinance enacted in accordance with s. 349.06, except for a violation  
15 of any state or local law involving a nonmoving traffic violation or a safety belt use  
16 violation under s. 347.48 (2m), there shall be imposed in addition an emergency  
17 medical services surcharge of \$5. If multiple offenses are involved, the court shall  
18 impose an emergency medical services surcharge upon each fine or forfeiture  
19 imposed.

20 **(b)** If a fine or forfeiture is imposed by a court of record, after a determination  
21 by the court of the amount due, the clerk of the court shall collect and transmit such  
22 amount to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer  
23 shall then make payment to the state treasurer as provided in s. 59.25 (3) (f) 2.

24 **(c)** If a fine or forfeiture is imposed by a municipal court, after a determination  
25 by the court of the amount due, the court shall collect and transmit such amount to

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1 the treasurer of the county, city, town or village, and that treasurer shall make  
2 payment to the state treasurer as provided in s. 66.12 (1) (b).

3 **SECTION 14.** 345.26 (1) (b) 1. of the statutes is amended to read:

4 345.26 (1) (b) 1. If the person makes a deposit for a violation of a traffic  
5 regulation, the person need not appear in court at the time fixed in the citation, and  
6 the person will be deemed to have tendered a plea of no contest and submitted to a  
7 forfeiture and a penalty assessment, if required by s. 165.87, and a jail assessment,  
8 if required by s. 302.46 (1), and an emergency medical services surcharge, if required  
9 by s. 345.15 (2), plus any applicable fees prescribed in ch. 814, not to exceed the  
10 amount of the deposit that the court may accept as provided in s. 345.37; and

11 **SECTION 15.** 345.26 (2) (b) of the statutes is amended to read:

12 345.26 (2) (b) In addition to the amount in par. (a), the deposit shall include  
13 court costs, including any applicable fees prescribed in ch. 814, any applicable  
14 penalty assessment, any applicable emergency medical services surcharge and any  
15 applicable jail assessment.

16 **SECTION 16.** 345.36 (2) (b) of the statutes is amended to read:

17 345.36 (2) (b) Deem the nonappearance a plea of no contest and enter judgment  
18 accordingly. If the defendant has posted bond for appearance at that date, the court  
19 may also order the bond forfeited. The court shall promptly mail a copy of the  
20 judgment to the defendant. The judgment shall allow not less than 20 days from the  
21 date thereof for payment of any forfeiture, penalty assessment, jail assessment,  
22 emergency medical services surcharge and costs imposed. If the defendant moves  
23 to open the judgment within 20 days after the date set for trial, and shows to the  
24 satisfaction of the court that the failure to appear was due to mistake, inadvertence,  
25 surprise or excusable neglect, the court shall open the judgment, reinstate the not

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1 guilty plea and set a new trial date. The court may impose costs under s. 814.07. The  
2 court shall immediately notify the department to delete the record of conviction  
3 based upon the original judgment.

4 **SECTION 17.** 345.37 (1) (b) of the statutes is amended to read:

5 345.37 (1) (b) Deem the nonappearance a plea of no contest and enter judgment  
6 accordingly. If the defendant has posted bond for appearance at that date, the court  
7 may also order the bond forfeited. The court shall promptly mail a copy or notice of  
8 the judgment to the defendant. The judgment shall allow not less than 20 days from  
9 the date thereof for payment of any forfeiture, penalty assessment, emergency  
10 medical services surcharge and costs imposed. If the defendant moves to open the  
11 judgment within 6 months after the court appearance date fixed in the citation, and  
12 shows to the satisfaction of the court that the failure to appear was due to mistake,  
13 inadvertence, surprise or excusable neglect, the court shall open the judgment,  
14 accept a not guilty plea and set a trial date. The court may impose costs under s.  
15 814.07. The court shall immediately notify the department to delete the record of  
16 conviction based upon the original judgment. If the offense involved is a nonmoving  
17 traffic violation and the defendant is subject to s. 345.28 (5) (c), a default judgment  
18 may be entered and opened as provided in s. 345.28 (5) (c).

19 **SECTION 18.** 345.37 (2) of the statutes is amended to read:

20 345.37 (2) If the defendant has made a deposit under s. 345.26, the citation may  
21 serve as the initial pleading and the defendant shall be deemed to have tendered a  
22 plea of no contest and submitted to a forfeiture and a penalty assessment, if required  
23 by s. 165.87, and a jail assessment, if required by s. 302.46 (1), and an emergency  
24 medical services surcharge, if required by s. 345.15 (2), plus costs, including any  
25 applicable fees prescribed in ch. 814, not exceeding the amount of the deposit. The

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1 court may either accept the plea of no contest and enter judgment accordingly, or  
2 reject the plea and issue a summons under ch. 968. If the defendant fails to appear  
3 in response to the summons, the court shall issue a warrant under ch. 968. If the  
4 court accepts the plea of no contest, the defendant may move within 6 months after  
5 the date set for the appearance to withdraw the plea of no contest, open the judgment  
6 and enter a plea of not guilty upon a showing to the satisfaction of the court that the  
7 failure to appear was due to mistake, inadvertence, surprise or excusable neglect.  
8 If on reopening the defendant is found not guilty, the court shall immediately notify  
9 the department to delete the record of conviction based on the original proceeding  
10 and shall order the defendant's deposit returned.

11 **SECTION 19.** 345.37 (5) of the statutes is amended to read:

12 345.37 (5) Within 5 working days after forfeiture of deposit or entry of default  
13 judgment, the official receiving the forfeiture, the penalty assessment, if required by  
14 s. 165.87, and the jail assessment, if required by s. 302.46 (1), and the emergency  
15 medical services surcharge, if required by s. 345.15 (2), shall forward to the  
16 department a certification of the entry of default judgment or a judgment of  
17 forfeiture.

18 **SECTION 20.** 345.375 (2) of the statutes is amended to read:

19 345.375 (2) Upon default of the defendant corporation or limited liability  
20 company or upon conviction, judgment for the amount of the forfeiture, the penalty  
21 assessment, if required under s. 165.87, and the jail assessment, if required by s.  
22 302.46 (1), and the emergency medical services surcharge, if required by s. 345.15 (2),  
23 shall be entered.

24 **SECTION 21.** 345.47 (title) of the statutes is amended to read:

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1           **345.47** (title) **Judgment of forfeitures and, assessments and**  
2 **surcharges.**

3           **SECTION 22.** 345.47 (1) (intro.) of the statutes is amended to read:

4           345.47 (1) (intro.) If the defendant is found guilty, the court may enter  
5 judgment against the defendant for a monetary amount not to exceed the maximum  
6 forfeiture, penalty assessment, if required by s. 165.87, ~~and the jail assessment, if~~  
7 required by s. 302.46 (1), and emergency medical services surcharge, if required by  
8 s. 345.15 (2), provided for the violation and for costs under s. 345.53 and, in addition,  
9 may suspend or revoke his or her operating privilege under s. 343.30. If the judgment  
10 is not paid, the court shall order:

11           **SECTION 23.** 345.47 (1) (b) of the statutes is amended to read:

12           345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension  
13 or revocation, that the defendant's operating privilege be suspended for 30 days or  
14 until the person pays the forfeiture, the penalty assessment, if required by s. 165.87,  
15 ~~and the jail assessment, if required by s. 302.46 (1),~~ and the emergency medical  
16 services surcharge, if required by s. 345.15 (2), but not to exceed 5 years. Suspension  
17 under this paragraph shall not affect the power of the court to suspend or revoke  
18 under s. 343.30 or the power of the secretary to suspend or revoke the operating  
19 privilege.

20           **SECTION 24.** 345.47 (1) (c) of the statutes is amended to read:

21           345.47 (1) (c) If a court or judge suspends an operating privilege under this  
22 section, the court or judge shall immediately take possession of the suspended license  
23 and shall forward it to the department together with the notice of suspension, which  
24 shall clearly state that the suspension was for failure to pay a forfeiture, a penalty  
25 assessment, if required by s. 165.87, ~~and~~ a jail assessment, if required by s. 302.46

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1 (1), and an emergency medical services surcharge, if required by s. 345.15 (2),  
2 imposed by the court. The notice of suspension and the suspended license, if it is  
3 available, shall be forwarded to the department within 48 hours after the order of  
4 suspension. If the forfeiture, penalty assessment ~~and~~, jail assessment and  
5 emergency medical services surcharge are paid during a period of suspension, the  
6 court or judge shall immediately notify the department. Upon receipt of the notice  
7 and payment of the reinstatement fee under s. 343.21 (1) (j), the department shall  
8 return the surrendered license.

9 **SECTION 25.** 345.47 (2) of the statutes is amended to read:

10 345.47 (2) The payment of any judgment may be suspended or deferred for not  
11 more than 60 days in the discretion of the court. In cases where a deposit has been  
12 made, any forfeitures, penalty assessments, jail assessments, emergency medical  
13 services surcharges and costs shall be taken out of the deposit and the balance, if any,  
14 returned to the defendant.

15 **SECTION 26.** 345.47 (3) of the statutes is amended to read:

16 345.47 (3) When a defendant is imprisoned for nonpayment of a forfeiture, a  
17 penalty assessment ~~or~~, a jail assessment or an emergency medical services surcharge  
18 for an action brought by a municipality located in more than one county, any  
19 commitment to a county institution shall be to the county in which the action was  
20 tried.

21 **SECTION 27.** 345.49 of the statutes is amended to read:

22 **345.49 (title) Procedure on imprisonment; nonpayment of forfeiture ~~or~~,**  
23 **assessments or surcharges.** (1) Any person imprisoned under s. 345.47 for  
24 nonpayment of a forfeiture, a penalty assessment, if required by s. 165.87, ~~or~~ a jail  
25 assessment, if required by s. 302.46 (1), or an emergency medical services surcharge,

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1 if required by s. 345.15 (2), may, on request, be allowed to work under s. 303.08. If  
2 the person does work, earnings shall be applied on the unpaid forfeiture, penalty  
3 assessment ~~or~~, jail assessment or emergency medical services surcharge after  
4 payment of personal board and expenses and support of personal dependents to the  
5 extent directed by the court.

6 (2) Any person who is subject to imprisonment under s. 345.47 for nonpayment  
7 of a forfeiture, penalty assessment ~~or~~, jail assessment or emergency medical services  
8 surcharge may be placed on probation to some person satisfactory to the court for not  
9 more than 90 days or until the forfeiture, penalty assessment ~~or~~, jail assessment or  
10 emergency medical services surcharge is paid if that is done before expiration of the  
11 90-day period. The payment of the forfeiture, penalty assessment ~~or~~, jail assessment  
12 or emergency medical services surcharge during that period shall be a condition of  
13 the probation. If the forfeiture, penalty assessment ~~or~~, jail assessment or emergency  
14 medical services surcharge is not paid or the court deems that the interests of justice  
15 require, probation may be terminated and the defendant imprisoned as provided in  
16 sub. (1) or s. 345.47.

17 **SECTION 28.** 345.61 (2) (c) of the statutes is amended to read:

18 345.61 (2) (c) "Guaranteed arrest bond certificate" as used in this section means  
19 any printed card or other certificate issued by an automobile club, association or  
20 insurance company to any of its members or insureds, which card or certificate is  
21 signed by the member or insureds and contains a printed statement that the  
22 automobile club, association or insurance company and a surety company, or an  
23 insurance company authorized to transact both automobile liability insurance and  
24 surety business, guarantee the appearance of the persons whose signature appears  
25 on the card or certificate and that they will in the event of failure of the person to



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1 appear in court at the time of trial, pay any fine or forfeiture imposed on the person,  
2 including the penalty assessment required by s. 165.87 and, the jail assessment  
3 required by s. 302.46 (1), and the emergency medical services surcharge required by  
4 s. 345.15 (2) in an amount not exceeding \$200, or \$1,000 as provided in sub. (1) (b).

5 **SECTION 29.** 346.655 (1) of the statutes is amended to read:

6 346.655 (1) ~~On or after July 1, 1988, if~~ If a court imposes a fine or a forfeiture  
7 for a violation of s. 346.63 (1) or (5), or a local ordinance in conformity therewith, or  
8 s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a  
9 vehicle, it shall impose a driver improvement surcharge in an amount of \$300 in  
10 addition to the fine or forfeiture, penalty assessment and, jail assessment and  
11 emergency medical services surcharge.

12 **SECTION 30.** 778.02 of the statutes is amended to read:

13 **778.02 Action in name of state; complaint; attachment.** Every such  
14 forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to  
15 allege in the complaint that the defendant is indebted to the plaintiff in the amount  
16 of the forfeiture claimed, according to the provisions of the statute that imposes it,  
17 specifying the statute and for the penalty assessment imposed by s. 165.87, the jail  
18 assessment imposed by s. 302.46 (1), any applicable emergency medical services  
19 surcharge imposed by s. 345.15 (2) and any applicable domestic abuse assessment  
20 imposed by s. 973.055 (1). If the statute imposes a forfeiture for several offenses or  
21 delinquencies the complaint shall specify the particular offense or delinquency for  
22 which the action is brought, with a demand for judgment for the amount of the  
23 forfeiture, penalty assessment, jail assessment and any applicable emergency  
24 medical services surcharge or domestic abuse assessment. If the defendant is a  
25 nonresident of the state, an attachment may issue.

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1           **SECTION 31.** 778.03 of the statutes is amended to read:

2           **778.03 Complaint to recover forfeited goods.** In an action to recover  
3 property forfeited by any statute it shall be sufficient to allege in the complaint that  
4 the property has been forfeited, specifying the statute, with a demand of judgment  
5 for the delivery of the property, or the value thereof and for payment of the penalty  
6 assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), any  
7 applicable emergency medical services surcharge imposed by s. 345.15 (2) and any  
8 applicable domestic abuse assessment imposed by s. 973.055 (1).

9           **SECTION 32.** 778.06 of the statutes is amended to read:

10           **778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a  
11 specific sum or when it is not less than one sum or more than another, the action may  
12 be brought for the highest sum specified and for the penalty assessment imposed by  
13 s. 165.87, the jail assessment imposed by s. 302.46 (1), any applicable emergency  
14 medical services surcharge imposed by s. 345.15 (2) and any applicable domestic  
15 abuse assessment imposed by s. 973.055 (1); and judgment may be rendered for such  
16 sum as the court or jury shall assess or determine to be proportionate to the offense.

17           **SECTION 33.** 778.10 of the statutes is amended to read:

18           **778.10 Municipal forfeitures, how recovered.** All forfeitures imposed by  
19 any ordinance or regulation of any county, town, city or village, or of any other  
20 domestic corporation may be sued for and recovered, under this chapter, in the name  
21 of the county, town, city, village or corporation. It is sufficient to allege in the  
22 complaint that the defendant is indebted to the plaintiff in the amount of the  
23 forfeiture claimed, specifying the ordinance or regulation that imposes it and of the  
24 penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46  
25 (1), any applicable emergency medical services surcharge imposed by s. 345.15 (2)

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1 and any applicable domestic abuse assessment imposed by s. 973.055 (1). If the  
2 ordinance or regulation imposes a penalty or forfeiture for several offenses or  
3 delinquencies the complaint shall specify the particular offenses or delinquency for  
4 which the action is brought, with a demand for judgment for the amount of the  
5 forfeiture, the penalty assessment imposed by s. 165.87, the jail assessment imposed  
6 by s. 302.46 (1), any applicable emergency medical services surcharge imposed by s.  
7 345.15 (2) and any applicable domestic abuse assessment imposed by s. 973.055 (1).  
8 All moneys collected on the judgment shall be paid to the treasurer of the county,  
9 town, city, village or corporation, except that all jail assessments shall be paid to the  
10 county treasurer.

11 **SECTION 34.** 778.105 of the statutes is amended to read:

12 **778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by  
13 any court or any branch thereof for the violation of any municipal or county  
14 ordinance shall be paid to the municipality or county. Penalty assessment payments  
15 shall be made as provided in s. 165.87. Jail assessment payments shall be made as  
16 provided in s. 302.46 (1). Domestic abuse assessments shall be made as provided in  
17 s. 973.055. Emergency medical services surcharges shall be made as provided in s.  
18 345.15.

19 **SECTION 35.** 778.13 of the statutes is amended to read:

20 **778.13 Forfeitures collected, to whom paid.** All moneys collected in favor  
21 of the state for forfeiture, except the portion to be paid to any person who sues with  
22 the state, shall be paid by the officer who collects the forfeiture to the treasurer of the  
23 county within which the forfeiture was incurred within 20 days after its receipt. In  
24 case of any failure in the payment the county treasurer may collect the payment of  
25 the officer by action, in the name of the office and upon the official bond of the officer,

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1 with interest at the rate of 12% per year from the time when it should have been paid.  
2 Penalty assessment payments shall be made as provided in s. 165.87. Jail  
3 assessment payments shall be made as provided in s. 302.46 (1). Domestic abuse  
4 assessments shall be made as provided in s. 973.055. Emergency medical services  
5 surcharge shall be made as provided in s. 345.15.

6 **SECTION 36.** 778.18 of the statutes is amended to read:

7 **778.18 Penalty upon municipal judge.** If any municipal judge, of his or her  
8 own will, dismisses any action brought before the judge under this chapter, unless  
9 by order of the district attorney or attorney general or the person joined as plaintiff  
10 with the state, or renders a less judgment therein than is prescribed by law, or  
11 releases or discharges any such judgment or part thereof without payment or  
12 collection, the judge and the judge's sureties shall be liable, in an action upon the  
13 judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture  
14 imposed by the judge and for the penalty assessment imposed by s. 165.87, the jail  
15 assessment imposed by s. 302.46 (1), any applicable emergency medical services  
16 surcharge imposed by s. 345.15 (2) and any applicable domestic abuse assessment  
17 imposed by s. 973.055 (1), or for an amount equal to the amount in which any such  
18 judgment or any part thereof is released or discharged. If any municipal judge gives  
19 time or delay to any person against whom any such judgment is rendered by the  
20 judge, or takes any bond or security for its future payment, the judge and the judge's  
21 sureties shall also be liable for the payment of the judgment upon the judge's bond.

22 **SECTION 37.** 800.02 (2) (a) 8. of the statutes is amended to read:

23 800.02 (2) (a) 8. Notice that if the defendant makes a deposit and fails to appear  
24 in court at the time fixed in the citation, the defendant is deemed to have tendered  
25 a plea of no contest and submits to a forfeiture, penalty assessment, jail assessment

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1 and any applicable emergency medical services surcharge or domestic abuse  
2 assessment plus costs, including the fee prescribed in s. 814.65 (1), not to exceed the  
3 amount of the deposit. The notice shall also state that the court may decide to  
4 summon the defendant rather than accept the deposit and plea.

5 **SECTION 38.** 800.02 (3) (a) 5. of the statutes is amended to read:

6 800.02 (3) (a) 5. A plain and concise statement of the violation identifying the  
7 event or occurrence from which the violation arose and showing that the plaintiff is  
8 entitled to relief, the ordinance, resolution or bylaw upon which the cause of action  
9 is based and a demand for a forfeiture, the amount of which shall not exceed the  
10 maximum set by the statute involved, the penalty assessment, the jail assessment,  
11 any applicable emergency medical services surcharge or domestic abuse assessment  
12 and such other relief that is sought by the plaintiff.

13 **SECTION 39.** 800.03 (3) of the statutes is amended to read:

14 800.03 (3) The amount of the deposit shall be set by the municipal judge, but  
15 shall not be effective until approved by the governing body of the municipality. The  
16 amount shall not exceed the maximum penalty for the offense, including any penalty  
17 assessment that would be applicable under s. 165.87, any jail assessment that would  
18 be applicable under s. 302.46 (1), any emergency medical services surcharge that  
19 would be applicable under s. 345.15 (2) and any domestic abuse assessment that  
20 would be applicable under s. 973.055 (1), plus court costs, including the fee  
21 prescribed in s. 814.65 (1).

22 **SECTION 40.** 800.04 (2) (c) of the statutes is amended to read:

23 800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03  
24 and does not appear, he or she is deemed to have tendered a plea of no contest and  
25 submits to a forfeiture, a penalty assessment imposed by s. 165.87, a jail assessment

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1 imposed by s. 302.46 (1), any applicable emergency medical services surcharge  
2 imposed by s. 345.15 (2) and any applicable domestic abuse assessment imposed by  
3 s. 973.055 (1) plus costs, including the fee prescribed in s. 814.65 (1), not exceeding  
4 the amount of the deposit. The court may either accept the plea of no contest and  
5 enter judgment accordingly, or reject the plea and issue a summons. If the court finds  
6 that the violation meets the conditions in s. 800.093 (1), the court may summon the  
7 alleged violator into court to determine if restitution shall be ordered under s.  
8 800.093. If the defendant fails to appear in response to the summons, the court shall  
9 issue a warrant under s. 968.09. If the defendant has made a deposit but does appear,  
10 the court shall allow the defendant to withdraw the plea of no contest.

11 **SECTION 41.** 800.09 (1) of the statutes is amended to read:

12 800.09 (1) JUDGMENT. If a municipal court finds a defendant guilty it may  
13 render judgment by ordering restitution under s. 800.093 and payment of a  
14 forfeiture, the penalty assessment imposed by s. 165.87, the jail assessment imposed  
15 by s. 302.46 (1), any applicable emergency medical services surcharge imposed by s.  
16 345.15 (2) and any applicable domestic abuse assessment imposed by s. 973.055 (1)  
17 plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The court shall  
18 apply any payment received on a judgment that includes restitution to first satisfy  
19 any payment of restitution ordered, then to pay the forfeiture, assessments and, if  
20 applicable, emergency medical services surcharge, and costs. If the judgment is not  
21 paid, the court may proceed under par. (a), (b) or (c) or any combination of those  
22 paragraphs, as follows:

23 (a) The court may defer payment of any judgment or provide for instalment  
24 payments. At the time the judgment is rendered, the court shall inform the  
25 defendant, orally and in writing, of the date by which restitution and the payment

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1 of the forfeiture, the penalty assessment, the jail assessment and any applicable  
2 emergency medical services surcharge or domestic abuse assessment plus costs must  
3 be made, and of the possible consequences of failure to do so in timely fashion,  
4 including imprisonment, as provided in s. 800.095, or suspension of the defendant's  
5 motor vehicle operating privilege, as provided in par. (c), if applicable. If the  
6 defendant is not present, the court shall ensure that the information is sent to the  
7 defendant by mail. In 1st class cities, all of the written information required by this  
8 paragraph shall be printed in English and Spanish and provided to each defendant.

9 (b) If the defendant agrees to perform community service work in lieu of making  
10 restitution or paying the forfeiture, assessments, surcharge and costs, or both, the  
11 court may order that the defendant perform community service work for a public  
12 agency or a nonprofit charitable organization that is designated by the court.  
13 Community service work may be in lieu of restitution only if also agreed to by the  
14 public agency or nonprofit charitable organization and by the person to whom  
15 restitution is owed. The court may utilize any available resources, including any  
16 community service work program, in ordering the defendant to perform community  
17 service work. The number of hours of community service work required may not  
18 exceed the number determined by dividing the amount owed on the forfeiture by the  
19 minimum wage established under ch. 104 for adults in nonagriculture, nontipped  
20 employment. The court shall ensure that the defendant is provided a written  
21 statement of the terms of the community service order and that the community  
22 service order is monitored.

23 (c) The court may suspend the defendant's operating privilege, as defined in s.  
24 340.01 (40), until restitution is made and the forfeiture, assessments, surcharge and  
25 costs are paid, if the defendant has not done so within 60 days after the date the

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1 restitution or payments or both are to be made under par. (a) and has not notified the  
2 court that he or she is unable to comply with the judgment, as provided under s.  
3 800.095 (4) (a), except that the suspension period may not exceed 5 years. The court  
4 shall take possession of the suspended license and shall forward the license, along  
5 with a notice of the suspension clearly stating that the suspension is for failure to  
6 comply with a judgment of the court, to the department of transportation.

7 **SECTION 42.** 800.09 (2) (b) of the statutes is amended to read:

8 800.09 (2) (b) If the person charged fails to appear personally or by an attorney  
9 at the time fixed for hearing of the case, the defendant may be deemed to have  
10 entered a plea of no contest and the money deposited, if any, or such portion thereof  
11 as the court determines to be an adequate penalty, plus the penalty assessment, the  
12 jail assessment and any applicable emergency medical services surcharge or  
13 domestic abuse assessment plus costs, including the fee prescribed in s. 814.65 (1),  
14 may be declared forfeited by the court or may be ordered applied upon the payment  
15 of any penalty which may be imposed, together with the penalty assessment, the jail  
16 assessment and any applicable emergency medical services surcharge or domestic  
17 abuse assessment plus costs. If the court finds that the violation meets the  
18 conditions in s. 800.093 (1), the court may summon the alleged violator into court to  
19 determine if restitution shall be ordered under s. 800.093. Any money remaining  
20 after payment of any penalties, assessments, surcharge, costs and restitution shall  
21 be refunded to the person who made the deposit.

22 **SECTION 43.** 800.095 (4) (b) 1. of the statutes is amended to read:

23 800.095 (4) (b) 1. That the defendant be imprisoned until the forfeiture,  
24 assessments, ~~surecharge~~ surcharges and costs are paid, except that the defendant  
25 reduces the amount owed at a rate of at least \$25 for each day of imprisonment,



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1 including imprisonment following an arrest but prior to the findings under this  
2 subsection, and the maximum period of imprisonment is 90 days.

3 **SECTION 44.** 800.10 (2) of the statutes is amended to read:

4 800.10 (2) All forfeitures, fees, penalty assessments, domestic abuse  
5 assessments, emergency medical services surcharges and costs paid to a municipal  
6 court under a judgment before a municipal judge shall be paid to the municipal  
7 treasurer within 7 days after receipt of the money by a municipal judge or other court  
8 personnel. At the time of the payment, the municipal judge shall report to the  
9 municipal treasurer the title of the action, the offense for which a forfeiture was  
10 imposed and the total amount of the forfeiture, fees, penalty assessments, domestic  
11 abuse assessments, emergency medical services surcharges and costs, if any. The  
12 treasurer shall disburse the fees as provided in s. 814.65 (1). All jail assessments  
13 paid to a municipal court under a judgment before a municipal judge shall be paid  
14 to the county treasurer within 7 days after receipt of the money by a municipal judge  
15 or other court personnel.

16 **SECTION 45.** 800.12 (2) of the statutes is amended to read:

17 800.12 (2) A municipality may by ordinance provide that a municipal judge  
18 may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50  
19 or, upon nonpayment of the forfeiture, penalty assessment under s. 165.87 and jail  
20 assessment under s. 302.46, any applicable emergency medical services surcharge  
21 under s. 345.15 (2) and any applicable domestic abuse assessment under s. 973.055  
22 (1), a jail sentence not to exceed 7 days.

23 **SECTION 46.** 814.60 (2) (cg) of the statutes is created to read:

24 814.60 (2) (cg) Emergency medical services surcharge imposed by s. 345.15 (2);

25 **SECTION 47.** 814.63 (3) (bg) of the statutes is created to read:

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1 814.63 (3) (bg) Emergency medical services surcharge imposed by s. 345.15 (2).

2 **SECTION 48.** 938.237 (2) of the statutes is amended to read:

3 938.237 (2) The procedures for issuance and filing of a citation, and for  
4 forfeitures, stipulations and deposits in ss. 23.50 to 23.67, 23.75 (3) and (4), 66.119,  
5 778.25, 778.26 and 800.01 to 800.04 except s. 800.04 (2) (b), when the citation is  
6 issued by a law enforcement officer, shall be used as appropriate, except that this  
7 chapter shall govern taking and holding a juvenile in custody, s. 938.37 shall govern  
8 costs, penalty assessments ~~and~~, jail assessments and emergency medical services  
9 surcharges, and a capias shall be substituted for an arrest warrant. Sections 66.119  
10 (3) (c) and (d), 66.12 (1) and 778.10 as they relate to collection of forfeitures do not  
11 apply.

12 **SECTION 49.** 938.37 (1) of the statutes is amended to read:

13 938.37 (1) A court assigned to exercise jurisdiction under this chapter and ch.  
14 48 may not assess costs ~~or~~, assessments or surcharges against a juvenile under 14  
15 years of age but may assess costs against a juvenile 14 years of age or older.

16 **SECTION 50.** 938.37 (3) of the statutes is amended to read:

17 938.37 (3) Notwithstanding sub. (1), courts of civil and criminal jurisdiction  
18 exercising jurisdiction under s. 938.17 may assess the same costs, penalty  
19 assessments ~~and~~, jail assessments and emergency medical services surcharges  
20 against juveniles as they may assess against adults, except that witness fees may not  
21 be charged to the juvenile.

22 **SECTION 51.** 973.05 (1) of the statutes is amended to read:

23 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant  
24 permission for the payment of the fine, of the penalty assessment imposed by s.  
25 165.87, the jail assessment imposed by s. 302.46 (1), the crime victim and witness

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1 assistance surcharge under s. 973.045, any applicable deoxyribonucleic acid analysis  
2 surcharge under s. 973.046, any applicable drug abuse program improvement  
3 surcharge imposed by s. 961.41 (5), any applicable domestic abuse assessment  
4 imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable emergency medical  
5 services surcharge imposed by s. 345.15 (2), any applicable driver improvement  
6 surcharge imposed by s. 346.655, any applicable weapons assessment imposed by s.  
7 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4), any  
8 applicable environmental assessment imposed by s. 299.93, any applicable wild  
9 animal protection assessment imposed by s. 29.9965, any applicable natural  
10 resources assessment imposed by s. 29.997 and any applicable natural resources  
11 restitution payment imposed by s. 29.998 to be made within a period not to exceed  
12 120 days. If no such permission is embodied in the sentence, the fine, the penalty  
13 assessment, the jail assessment, the crime victim and witness assistance surcharge,  
14 any applicable deoxyribonucleic acid analysis surcharge, any applicable drug abuse  
15 program improvement surcharge, any applicable domestic abuse assessment, any  
16 applicable emergency medical services surcharge, any applicable driver  
17 improvement surcharge, any applicable weapons assessment, any applicable  
18 uninsured employer assessment, any applicable environmental assessment, any  
19 applicable wild animal protection assessment, any applicable natural resources  
20 assessment and any applicable natural resources restitution payment shall be  
21 payable immediately.

22 **SECTION 52.** 973.05 (2) of the statutes is amended to read:

23 973.05 (2) When a defendant is sentenced to pay a fine and is also placed on  
24 probation, the court may make the payment of the fine, the penalty assessment, the  
25 jail assessment, the crime victim and witness assistance surcharge, any applicable

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1 deoxyribonucleic acid analysis surcharge, any applicable drug abuse program  
2 improvement surcharge, any applicable domestic abuse assessment, any applicable  
3 uninsured employer assessment, any applicable emergency medical services  
4 surcharge, any applicable driver improvement surcharge, any applicable weapons  
5 assessment, any applicable environmental assessment, any applicable wild animal  
6 protection assessment, any applicable natural resources assessment and any  
7 applicable natural resources restitution payments a condition of probation. When  
8 the payments are made a condition of probation by the court, payments thereon shall  
9 be applied first to payment of the penalty assessment until paid in full, shall then  
10 be applied to the payment of the jail assessment until paid in full, shall then be  
11 applied to the payment of part A of the crime victim and witness assistance surcharge  
12 until paid in full, shall then be applied to part B of the crime victim and witness  
13 assistance surcharge until paid in full, shall then be applied to the deoxyribonucleic  
14 acid analysis surcharge until paid in full, shall then be applied to the drug abuse  
15 improvement surcharge until paid in full, shall then be applied to payment of the  
16 emergency medical services surcharge until paid in full, shall then be applied to  
17 payment of the driver improvement surcharge until paid in full, shall then be applied  
18 to payment of the domestic abuse assessment until paid in full, shall then be applied  
19 to payment of the natural resources assessment if applicable until paid in full, shall  
20 then be applied to payment of the natural resources restitution payment until paid  
21 in full, shall then be applied to the payment of the environmental assessment if  
22 applicable until paid in full, shall then be applied to the payment of the wild animal  
23 protection assessment if applicable until paid in full, shall then be applied to  
24 payment of the weapons assessment until paid in full, shall then be applied to

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1 payment of the uninsured employer assessment until paid in full and shall then be  
2 applied to payment of the fine.

3 **SECTION 53.** 973.05 (3) (a) of the statutes is amended to read:

4 973.05 (3) (a) In lieu of part or all of a fine imposed by a court, the court may  
5 stay the execution of part or all of the sentence and provide that the defendant  
6 perform community service work under pars. (b) and (c). The amount of the fine  
7 actually paid, if any, shall be used to determine any applicable assessment or  
8 surcharge under sub. (1), except that any applicable driver improvement surcharge  
9 under s. 346.655, any applicable emergency medical services surcharge or any  
10 domestic abuse assessment imposed by s. 973.055 shall be imposed regardless of  
11 whether part or all of the sentence has been stayed. If the defendant fails to comply  
12 with the community service order, the court shall order the defendant brought before  
13 the court for imposition of sentence. If the defendant complies with the community  
14 service order, he or she has satisfied that portion of the sentence.

15 **SECTION 54.** 973.07 of the statutes is amended to read:

16 **973.07 Failure to pay fine or costs or to comply with certain**  
17 **community service work.** If the fine, costs, penalty assessment, jail assessment,  
18 crime victim and witness assistance surcharge, applicable deoxyribonucleic acid  
19 analysis surcharge, applicable drug abuse program improvement surcharge,  
20 applicable domestic abuse assessment, applicable emergency medical services  
21 surcharge, applicable driver improvement surcharge, applicable weapons  
22 assessment, applicable uninsured employer assessment, applicable environmental  
23 assessment, applicable wild animal protection assessment, applicable natural  
24 resources assessment and applicable natural resources restitution payments are not  
25 paid or community service work under s. 943.017 (3) is not completed as required by

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1 the sentence, the defendant may be committed to the county jail until the fine, costs,  
2 penalty assessment, jail assessment, crime victim and witness assistance surcharge,  
3 applicable deoxyribonucleic acid analysis surcharge, applicable drug abuse program  
4 improvement surcharge, applicable domestic abuse assessment, applicable  
5 emergency medical services surcharge, applicable driver improvement surcharge,  
6 applicable weapons assessment, applicable uninsured employer assessment,  
7 applicable environmental assessment, applicable wild animal protection  
8 assessment, applicable natural resources assessment or applicable natural  
9 resources restitution payments are paid or discharged, or the community service  
10 work under s. 943.017 (3) is completed, for a period fixed by the court not to exceed  
11 6 months.

**SECTION 55. Initial applicability.**

12 (1) This act first applies to violations occurring on the effective date of this  
13 subsection.  
14

**SECTION 56. Effective date.**

15 (1) This act takes effect on the first day of the 7th month beginning after  
16 publication.  
17

18 (END)