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State of Misconsin 2005 - 2006 LEGISLATURE

2005 SENATE BILL 389

October 17, 2005 – Introduced by Senator Darling, cosponsored by Representatives Kleefisch, Molepske, Gundrum, Vos, Mursau, Seidel, Musser, Hines, Schneider, Petrowski and Townsend. Referred to Committee on Judiciary, Corrections and Privacy.

1 **AN ACT** to renumber and amend 778.25 (8) (a); and to create 778.25 (8) (a) 2.

- of the statutes; relating to: default judgments in cases involving citations
- issued for certain violations, including underage drinking and smoking.

Analysis by the Legislative Reference Bureau

Under current law, the citations procedure that applies to violations of rules promulgated by the UW Board of Regents requires the court to issue a summons or an arrest warrant if the person who received a citation fails to make a deposit and fails to appear in court at the time fixed in the citation. This citation procedure is also used for other types of violations, including:

- 1. Underage possession or use of alcohol, cigarettes, or drug paraphernalia.
- 2. Harassment.
- 3. Body passing or alcohol use at a sporting event.
- 4. Damage to state property.
- 5. Noncompliance with rental unit standards.

This bill allows the court, as an alternative to issuing a summons or arrest warrant, to consider the violator's nonappearance to be a plea of no contest and to enter judgment accordingly. This procedure is identical to the procedure available to courts in cases involving violations of natural resource laws, traffic violations, and municipal ordinance violations. **SENATE BILL 389**

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

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

1 **SECTION 1.** 778.25 (8) (a) of the statutes is renumbered 778.25 (8) (a) 1. and $\mathbf{2}$ amended to read: 3 778.25 (8) (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 4 $\mathbf{5}$ court may issue a summons or an arrest warrant, except if the defendant is a minor the court shall proceed under s. 938.28. Chapter 938 governs taking and holding a 6 7 minor in custody. 8 **SECTION 2.** 778.25 (8) (a) 2. of the statutes is created to read: 9 778.25 (8) (a) 2. If the court considers the nonappearance to be a plea of no 10 contest and enters judgment accordingly, the court shall promptly mail a copy or 11 notice of the judgment to the defendant. The judgment shall allow the defendant not 12less than 20 working days from the date the judgment copy or notice is mailed to pay 13the forfeiture, plus costs, fees, and surcharges imposed under ch. 814. 14 (END)