

State of Wisconsin



2023 Assembly Bill 57

Date of enactment:
Date of publication*:

2023 WISCONSIN ACT

AN ACT *to repeal* 971.37; *to amend* 20.410 (1) (gL), 20.437 (1) (hh), 814.75 (8), 814.75 (8m), 814.76 (6), 814.80 (6), 814.81 (6), 971.38 (1) and 971.39 (1) (intro.); and *to create* 967.056 and 968.075 (7) (c) of the statutes; **relating to:** dismissing or amending certain criminal charges and deferred prosecution agreements for certain crimes.

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

SECTION 1. 20.410 (1) (gL) of the statutes is amended to read:

20.410 (1) (gL) *Global positioning system tracking devices for certain violators of restraining orders.* All moneys received under s. 301.49 (5) and all moneys received from the global positioning system tracking surcharge on court fines, as authorized under s. ~~971.37 (1m) (e) 1.~~ or 973.057, for expenditures related to the global positioning system tracking program under s. 301.49. If the unencumbered balance in this appropriation account exceeds \$100,000 immediately before the end of any fiscal year, the department of corrections shall transfer the excess to the appropriation account under s. 20.437 (1) (hh) at the end of that fiscal year.

SECTION 2. 20.437 (1) (hh) of the statutes is amended to read:

20.437 (1) (hh) *Domestic abuse surcharge grants.* All moneys received from the domestic abuse surcharge on court fines, as authorized under s. ~~971.37 (1m) (e) 1.~~ or 973.055, to provide grants to domestic abuse services organizations under s. 49.165.

SECTION 3. 814.75 (8) of the statutes is amended to read:

814.75 (8) The domestic abuse surcharge under s. ~~971.37 (1m) (e) 1.~~ or 973.055.

SECTION 4. 814.75 (8m) of the statutes is amended to read:

814.75 (8m) The global positioning system tracking surcharge under s. ~~971.37 (1m) (e) 1.~~ or 973.057.

SECTION 5. 814.76 (6) of the statutes is amended to read:

814.76 (6) The domestic abuse surcharge under s. ~~971.37 (1m) (e) 1.~~ or 973.055.

SECTION 6. 814.80 (6) of the statutes is amended to read:

814.80 (6) The domestic abuse surcharge under s. ~~971.37 (1m) (e) 1.~~ or 973.055.

SECTION 7. 814.81 (6) of the statutes is amended to read:

814.81 (6) The domestic abuse surcharge under s. ~~971.37 (1m) (e) 1.~~ or 973.055.

SECTION 8. 967.056 of the statutes is created to read:
967.056 Prosecution of certain crimes. (1) INTENT. The legislature intends to encourage the vigorous prosecution of persons who commit offenses that are covered crimes.

(2) DEFINITION. In this section, “covered crime” means any of the following:

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”

(a) An act of domestic abuse, as defined in s. 968.075 (1) (a), that constitutes the commission of a crime or a violation of a temporary restraining order or injunction issued under s. 813.12.

(b) A violation of s. 943.23.

(c) A violation of s. 940.198 or 940.285 or a violation of a temporary restraining order or injunction issued under s. 813.123.

(d) A violation of s. 940.225 (1), (2), or (3).

(e) A crime specified in ch. 948, including a crime specified in s. 948.015.

(f) A violation of s. 941.29 (1m) if the individual has been convicted of, adjudicated delinquent for, or found not guilty by reason of mental disease or defect of, committing, soliciting, conspiring, or attempting to commit a violent felony, as defined in s. 941.29 (1g) (a).

(g) A violation of s. 346.62 (4).

(3) DISMISSING OR AMENDING CHARGE. Notwithstanding s. 971.29, if an individual is charged with a covered crime, a prosecutor may not dismiss or amend the charge without the approval of the court. In the application to the court, the prosecutor shall state the reasons for the proposed amendment or dismissal. The court may approve the application only if the court finds that the proposed amendment or dismissal is consistent with the public's interest in deterring the commission of covered crimes and consistent with the legislature's intent expressed in sub. (1). If a court approves at least one application in a year, the court shall submit to the appropriate standing committees of the legislature under s. 13.172 (3) an annual report detailing each application the court approved that year and how each approval is consistent with the public's interest and the legislature's intent.

(4) NO DEFERRED PROSECUTION. A prosecutor may not place a person in a deferred prosecution program if a

complaint or information is filed that alleges the person committed a covered crime or if the person is charged with a covered crime.

SECTION 9. 968.075 (7) (c) of the statutes is created to read:

968.075 (7) (c) A policy indicating how the office may best execute the intent of s. 967.056.

SECTION 10. 971.37 of the statutes is repealed.

SECTION 11. 971.38 (1) of the statutes is amended to read:

971.38 (1) Except as provided in s. 967.055 (3) or 967.056 (4), the district attorney may require as a condition of any deferred prosecution program for any crime that the defendant perform community service work for a public agency or a nonprofit charitable organization. The number of hours of work required may not exceed what would be reasonable considering the seriousness of the alleged offense. An order may only apply if agreed to by the defendant and the organization or agency. The district attorney shall ensure that the defendant is provided a written statement of the terms of the community service order and that the community service order is monitored.

SECTION 12. 971.39 (1) (intro.) of the statutes is amended to read:

971.39 (1) (intro.) Except as provided in s. 967.055 (3) or 967.056 (4), in counties having a population of less than 100,000, if a defendant is charged with a crime, the district attorney, the department and a defendant may all enter into a deferred prosecution agreement which includes, but is not limited to, the following conditions:

SECTION 13. Initial applicability.

(1) This act first applies to a complaint, information, or charge filed on the effective date of this subsection.