



1995 ASSEMBLY BILL 832

January 30, 1996 - Introduced by LAW REVISION COMMITTEE. Referred to
Committee on Judiciary.

1 AN ACT *to renumber and amend* 973.07; and *to create* 973.07 (1) of the
2 statutes; **relating to:** commitment to jail for failure to pay a fine, costs and
3 applicable assessments.

Analysis by the Legislative Reference Bureau

Current law provides that a court may commit a person to the county jail if the person fails to pay a fine, costs and any assessments (such as a penalty assessment) or fails to perform certain community service work as required by a sentence for a criminal conviction. A commitment order for failure to pay a fine, costs and assessments or failure to perform community service work may not exceed 6 months. The court of appeals has interpreted the 6-month time period limitation to apply to the total amount of time that a defendant can be committed to jail. Thus, once a defendant has served 6 months in jail for failure to pay a fine, costs and assessments or failure to perform community service work, a court may not order further commitment based on the defendant's failure to pay the same fine, costs and assessments or perform the same community service work. *State v. Schuman*, 173 Wis. 2d 743, 747 (Ct. App. 1993). This bill codifies the court of appeals interpretation of the 6-month time period limitation by specifying that the limitation may not exceed 6 months for all commitments that are related to a particular sentence.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is introduced by the law revision committee under s. 13.83 (1) (c), stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes

minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 973.07 of the statutes, as affected by 1995 Wisconsin Act 24, is
2 renumbered 973.07 (2) and amended to read:

3 973.07 (2) ~~If the fine, costs, penalty assessment, jail assessment, crime victim~~
4 ~~and witness assistance surcharge, applicable deoxyribonucleic acid analysis~~
5 ~~surcharge, applicable drug abuse program improvement surcharge, applicable~~
6 ~~domestic abuse assessment, applicable driver improvement surcharge, applicable~~
7 ~~weapons assessment, applicable uninsured employer assessment, applicable~~
8 ~~environmental assessment, applicable wild animal protection assessment,~~
9 ~~applicable natural resources assessment and applicable natural resources~~
10 ~~restitution payments~~ and any applicable assessments are not paid or community
11 service work under s. 943.017 (3) is not completed as required by the a sentence, the
12 defendant may be committed to the county jail until the fine, costs, ~~penalty~~
13 ~~assessment, jail assessment, crime victim and witness assistance surcharge,~~
14 ~~applicable deoxyribonucleic acid analysis surcharge, applicable drug abuse program~~
15 ~~improvement surcharge, applicable domestic abuse assessment, applicable driver~~
16 ~~improvement surcharge, applicable weapons assessment, applicable uninsured~~
17 ~~employer assessment, applicable environmental assessment, applicable wild animal~~
18 ~~protection assessment, applicable natural resources assessment or applicable~~
19 ~~natural resources restitution payments~~ are or assessments are paid or discharged,
20 or the community service work under s. 943.017 (3) is completed, ~~for~~. An order for
21 commitment under this subsection shall be for a period fixed by the court, but the
22 period may not to exceed 6 months for all commitments that are related to one
23 sentence.

NOTE: This SECTION clarifies that a commitment of a defendant to the county jail until a fine, costs and any applicable assessment are paid may not exceed 6 months for all commitments that are related to one sentence.

1 **SECTION 2.** 973.07 (1) of the statutes is created to read:

2 973.07 (1) In this section, "assessment" includes a penalty assessment, jail
3 assessment, crime victim and witness assistance surcharge, deoxyribonucleic acid
4 analysis surcharge, drug abuse program improvement surcharge, domestic abuse
5 assessment, driver improvement surcharge, weapons assessment, uninsured
6 employer assessment, environmental assessment, wild animal protection
7 assessment, natural resources assessment and natural resources restitution
8 payments.

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(END)