



## 2007 ASSEMBLY BILL 684

January 11, 2008 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to  
Committee on Corrections and Courts.

- 1 **AN ACT to amend** 800.09 (1) (intro.) and 814.65 (1) of the statutes; **relating to:**  
2 a municipal court judgment regarding community service work.

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### *Analysis by the Legislative Reference Bureau*

This bill is explained in the NOTE provided by the Joint Legislative Council in  
the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the joint  
legislative council's special committee on strengthening Wisconsin families.

Under s. 800.09 (1), stats., if a municipal court finds a defendant guilty, it may  
render judgment by ordering restitution and payment of a forfeiture, plus costs, fees, and  
surcharges. If the initial judgment is not paid, the municipal court may proceed under  
s. 800.09 (1) (a), (b), and (c), stats., or any combination of those paragraphs. Section  
800.09 (1) (a), stats., allows a municipal court to defer payment of any judgment or  
provide for installment payments. Section 800.09 (1) (b), stats., allows a municipal court,  
under certain conditions, to order a defendant to perform community service work in lieu  
of making restitution or paying the forfeiture, surcharges, and costs, or both. Section  
800.09 (1) (c), stats., allows a municipal court to suspend the defendant's driving  
privilege.

This bill allows a municipal court, under certain conditions, to order a defendant  
to perform community service work as an initial judgment. Under the bill, a municipal  
court retains the ability to proceed under s. 800.09 (1) (a), (b), and (c), stats., or any  
combination of those paragraphs, when a defendant does not pay the court's initial  
judgment that orders restitution, forfeiture, costs, fees, or surcharges.

**ASSEMBLY BILL 684****SECTION 1**

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

2           800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty, it  
3 may render judgment by ordering restitution under s. 800.093 and payment of a  
4 forfeiture, plus costs, fees, and surcharges imposed under ch. 814, except that  
5 community service work for a public agency or a nonprofit charitable organization  
6 that is designated by the court may be ordered in lieu of any combination of  
7 restitution, forfeiture, costs, fees, or surcharges. Community service work may be  
8 ordered in lieu of restitution only if also agreed to by the public agency or nonprofit  
9 charitable organization and by the person to whom restitution is owed. The court  
10 may utilize any available resources, including any community service work program,  
11 in ordering the defendant to perform community service work. The number of hours  
12 of community service work required may not exceed the number determined by  
13 dividing the amount owed on the forfeiture by the minimum wage established under  
14 ch. 104 for adults in nonagriculture, nontipped employment. The court shall ensure  
15 that the defendant is provided a written statement of the terms of the community  
16 service order and that the community service work is monitored. The court shall  
17 apply any payment received on a judgment that includes restitution to first satisfy  
18 any payment of restitution ordered, then to pay the forfeiture, costs, fees, and  
19 surcharges. ~~If the judgment is~~ any ordered restitution, forfeiture, costs, fees, or  
20 surcharges are not paid, the court may proceed under par. (a), (b), or (c) or any  
21 combination of those paragraphs, as follows:

22           **SECTION 2.** 814.65 (1) of the statutes is amended to read:

23           814.65 (1) COURT COSTS. In a municipal court action, except if the defendant  
24 performs community service work as ordered under s. 800.09 (1) in lieu of the  
25 payment of the fee, or for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681

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1 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation  
2 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the  
3 violation, or for a violation of an ordinance in conformity with s. 343.51 (1m) (b) or  
4 347.48 (2m), the municipal judge shall collect a fee of not less than \$15 nor more than  
5 \$28 on each separate matter, whether it is on default of appearance, a plea of guilty  
6 or no contest, on issuance of a warrant or summons, or the action is tried as a  
7 contested matter. Of each fee received by the judge under this subsection, the  
8 municipal treasurer shall pay monthly \$5 to the secretary of administration for  
9 deposit in the general fund and shall retain the balance for the use of the  
10 municipality.

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(END)