



## 1995 ASSEMBLY BILL 348

April 28, 1995 - Introduced by Representatives CARPENTER, BOYLE, ROBSON, BOCK and SERATTI, cosponsored by Senator BURKE. Referred to Committee on Government Operations.

1     **AN ACT to amend** 59.20 (5) (b), 59.395 (5), 66.119 (1) (b) 7. c., 66.119 (1) (b) 7. d.,  
2           66.119 (1) (c), 66.119 (3) (a), 66.119 (3) (b), 66.119 (3) (c), 66.119 (3) (d), 66.12 (1)  
3           (b), 345.26 (1) (b) 1., 345.26 (2) (b), 345.36 (2) (b), 345.37 (2), 345.37 (5), 345.375  
4           (2), 345.47 (1) (intro.), 345.47 (1) (b), 345.47 (1) (c), 345.47 (3), 345.49 (1), 345.49  
5           (2), 345.61 (2) (c), 346.655 (1), 778.02, 778.03, 778.06, 778.10, 778.105, 778.13,  
6           778.18, 800.02 (2) (a) 8., 800.02 (3) (a) 5., 800.03 (3), 800.04 (2) (c), 800.09 (1)  
7           (intro.), 800.09 (1) (a), 800.09 (2) (b), 800.12 (2), 973.05 (1), 973.05 (2) and  
8           973.07; and **to create** 20.435 (1) (gt), 146.58 (9), 345.15 and 814.60 (2) (cg) of  
9           the statutes; **relating to:** imposing an emergency medical services surcharge,  
10          requiring distribution of funds by the emergency medical services board and  
11          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 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 *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 the  
3 emergency medical services surcharges imposed by 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.** 59.20 (5) (b) of the statutes is amended to read:

8           59.20 (5) (b) 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. 161.41 (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.  
19 144.992 for the environmental assessment, the amounts required by s. 29.9965 for  
20 the wild animal protection assessment, the amounts required by s. 29.997 for the  
21 natural resources assessment surcharge, the amounts required by s. 29.9967 for the

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

8 **SECTION 3.** 59.395 (5) of the statutes is amended to read:

9 59.395 (5) Pay monthly to the county treasurer for the use of the state the  
10 state's percentage of the fees required to be paid on each civil action, criminal action  
11 and special proceeding filed during the preceding month and pay monthly to the  
12 county treasurer for the use of the state the percentage of court imposed fines and  
13 forfeitures required by law to be deposited in the state treasury, the amounts  
14 required by s. 165.87 (2) (b) for the penalty assessment surcharge, the amounts  
15 required by s. 167.31 (5) for the weapons assessment, the amounts required by s.  
16 973.045 for the crime victim and witness assistance surcharge, the amounts required  
17 by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required  
18 by s. 161.41 (5) for the drug abuse program improvement surcharge, the amounts  
19 authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 for the domestic abuse  
20 assessment surcharge, the amounts required by s. 345.15 for the emergency medical  
21 services surcharge, the amounts required by s. 346.655 for the driver improvement  
22 surcharge, the amounts required by s. 102.85 (4) for the uninsured employer  
23 assessment, the amounts required by s. 144.992 for the environmental assessment,  
24 the amounts required under s. 29.9965 for the wild animal protection assessment,  
25 the amounts required under s. 29.997 (1) (d) for the natural resources assessment

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

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

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

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

15 66.119 (1) (b) 7. d. That if the alleged violator does not make a cash deposit and  
16 does not appear in court at the time specified, the court may issue a summons or a  
17 warrant for the defendant's arrest or consider the nonappearance to be a plea of no  
18 contest and enter judgment under sub. (3) (d), or the municipality may commence an  
19 action against the alleged violator to collect the forfeiture, the penalty assessment  
20 imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), any applicable  
21 emergency medical services surcharges imposed by s. 345.15 (2) and any applicable  
22 domestic abuse assessment imposed by s. 973.055 (1).

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

24 66.119 (1) (c) An ordinance adopted under par. (a) shall contain a schedule of  
25 cash deposits that are to be required for the various ordinance violations, and for the

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

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

8 66.119 (3) (a) The person named as the alleged violator in a citation may appear  
9 in court at the time specified in the citation or may mail or deliver personally a cash  
10 deposit in the amount, within the time and to the court, clerk of court or other official  
11 specified in the citation. If a person makes a cash deposit, the person may  
12 nevertheless appear in court at the time specified in the citation, provided that the  
13 cash deposit may be retained for application against any forfeiture, restitution,  
14 penalty assessment, jail assessment, emergency medical services surcharge or  
15 domestic abuse assessment that may be imposed.

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

17 66.119 (3) (b) If a person appears in court in response to a citation, the citation  
18 may be used as the initial pleading, unless the court directs that a formal complaint  
19 be made, and the appearance confers personal jurisdiction over the person. The  
20 person may plead guilty, no contest or not guilty. If the person pleads guilty or no  
21 contest, the court shall accept the plea, enter a judgment of guilty and impose a  
22 forfeiture, the penalty assessment imposed by s. 165.87, the jail assessment imposed  
23 by s. 302.46 (1), any applicable emergency medical services surcharge imposed by s.  
24 345.15 (2) and any applicable domestic abuse assessment imposed by s. 973.055 (1).  
25 If the court finds that the violation meets the conditions in s. 800.093 (1), the court

1 may order restitution under s. 800.093. A plea of not guilty shall put all matters in  
2 the case at issue, and the matter shall be set for trial.

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

4 66.119 (3) (c) If the alleged violator makes a cash deposit and fails to appear  
5 in court, the citation may serve as the initial pleading and the violator shall be  
6 considered to have tendered a plea of no contest and submitted to a forfeiture, the  
7 penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46  
8 (1), any applicable emergency medical services surcharge imposed by s. 345.15 (2)  
9 and any applicable domestic abuse assessment imposed by s. 973.055 (1) not  
10 exceeding the amount of the deposit. The court may either accept the plea of no  
11 contest and enter judgment accordingly or reject the plea. If the court finds the  
12 violation meets the conditions in s. 800.093 (1), the court may summon the alleged  
13 violator into court to determine if restitution shall be ordered under s. 800.093. If  
14 the court accepts the plea of no contest, the defendant may move within 10 days after  
15 the date set for the appearance to withdraw the plea of no contest, open the judgment  
16 and enter a plea of not guilty if the defendant shows to the satisfaction of the court  
17 that the failure to appear was due to mistake, inadvertence, surprise or excusable  
18 neglect. If the plea of no contest is accepted and not subsequently changed to a plea  
19 of not guilty, no costs or fees may be taxed against the violator, but a penalty  
20 assessment, a jail assessment and, if applicable, an emergency medical services  
21 surcharge or a domestic abuse assessment shall be assessed. If the court rejects the  
22 plea of no contest, an action for collection of the forfeiture, penalty assessment, jail  
23 assessment and any applicable emergency medical services surcharge or domestic  
24 abuse assessment may be commenced. A city, village or public inland lake protection  
25 and rehabilitation district may commence action under s. 66.12 (1) and a county or

1 town may commence action under s. 778.10. The citation may be used as the  
2 complaint in the action for the collection of the forfeiture, penalty assessment, jail  
3 assessment and any applicable emergency medical services surcharge or domestic  
4 abuse assessment.

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

6 66.119 (3) (d) If the alleged violator does not make a cash deposit and fails to  
7 appear in court at the time specified in the citation, the court may issue a summons  
8 or warrant for the defendant's arrest or consider the nonappearance to be a plea of  
9 no contest and enter judgment accordingly if service was completed as provided  
10 under par. (e) or the county, town, city, village or public inland lake protection and  
11 rehabilitation district may commence an action for collection of the forfeiture,  
12 penalty assessment and jail assessment and any applicable emergency medical  
13 services surcharge or domestic abuse assessment. A city, village or public inland lake  
14 protection and rehabilitation district may commence action under s. 66.12 (1) and a  
15 county or town may commence action under s. 778.10. The citation may be used as  
16 the complaint in the action for the collection of the forfeiture, penalty assessment and  
17 jail assessment and any applicable emergency medical services surcharge or  
18 domestic abuse assessment. If the court considers the nonappearance to be a plea  
19 of no contest and enters judgment accordingly, the court shall promptly mail a copy  
20 or notice of the judgment to the defendant. The judgment shall allow the defendant  
21 not less than 20 days from the date of the judgment to pay any forfeiture, penalty  
22 assessment and jail assessment and any applicable emergency medical services  
23 surcharge or domestic abuse assessment imposed. If the defendant moves to open  
24 the judgment within 6 months after the court appearance date fixed in the citation,  
25 and shows to the satisfaction of the court that the failure to appear was due to

1 mistake, inadvertence, surprise or excusable neglect, the court shall reopen the  
2 judgment, accept a not guilty plea and set a trial date.

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

4 66.12 (1) (b) Local ordinances, except as provided in this paragraph or ss.  
5 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any  
6 or all violations under those ordinances, and may designate the manner in which the  
7 stipulation is to be made and fix the penalty to be paid. When a person charged with  
8 a violation for which stipulation of guilt or no contest is authorized makes a timely  
9 stipulation and pays the required penalty and pays the penalty assessment imposed  
10 by s. 165.87, the jail assessment imposed by s. 302.46 (1), any applicable emergency  
11 medical services surcharge imposed by s. 345.15 (2) and any applicable domestic  
12 abuse assessment imposed by s. 973.055 (1) to the designated official, the person  
13 need not appear in court and no witness fees or other additional costs may be taxed  
14 unless the local ordinance so provides. A court appearance is required for a violation  
15 of a local ordinance in conformity with s. 346.63 (1). The official receiving the  
16 penalties shall remit all moneys collected to the treasurer of the city, village or public  
17 inland lake protection and rehabilitation district in whose behalf the sum was paid,  
18 except that all jail assessments shall be remitted to the county treasurer, within 20  
19 days after its receipt by him or her; and in case of any failure in the payment, the  
20 treasurer may collect the payment of the officer by action, in the name of the office,  
21 and upon the official bond of the officer, with interest at the rate of 12% per year from  
22 the time when it should have been paid. In the case of the penalty assessment  
23 imposed by s. 165.87, the emergency medical services surcharge imposed by s. 345.15  
24 (2), the driver improvement surcharge imposed by s. 346.655 (1) and any applicable  
25 domestic abuse assessment imposed by s. 973.055 (1), the treasurer of the city, village



1 or public inland lake protection and rehabilitation district shall remit to the state  
2 treasurer the sum required by law to be paid on the actions so entered during the  
3 preceding month on or before the first day of the next succeeding month. The  
4 governing body of the city, village or public inland lake protection and rehabilitation  
5 district shall by ordinance designate the official to receive the penalties and the  
6 terms under which the official shall qualify.

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

8 146.58 (9) (a) From the appropriation under s. 20.435 (1) (gt), annually  
9 distribute funds for ambulance service vehicles or vehicle equipment, emergency  
10 medical services supplies or equipment or emergency medical training for personnel  
11 to an ambulance service provider that is a public agency, a volunteer fire department  
12 or a nonprofit corporation, under a funding formula consisting of an identical base  
13 amount for each ambulance service provider plus a supplemental amount based on  
14 the population of the ambulance service provider's primary service or contract area,  
15 as established under s. 146.50 (5). If a public agency has contracted for ambulance  
16 service with an ambulance service provider that operates for profit, the emergency  
17 medical services board shall distribute funds under this paragraph to the public  
18 agency.

19 (b) Distribute funds under par. (a) only as a supplement to existing, budgeted  
20 moneys of or provided to an ambulance service provider. The funds under par. (a)  
21 may not be used to replace, decrease or release for alternative purposes the existing,  
22 budgeted moneys of or provided to the ambulance service provider. In order to ensure  
23 compliance with this paragraph, the emergency medical services board shall require  
24 a financial report of expenditures under this subsection from an ambulance service  
25 provider and may require a financial report of expenditures under this subsection

1 from an owner or operator of an ambulance service or a public agency, volunteer fire  
2 department or a nonprofit corporation with which an ambulance service provider has  
3 contracted to provide ambulance services.

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

5 **345.15 (title) Emergency medical services surcharge.**

6 **(1)** All moneys collected from emergency medical services surcharges under  
7 this section shall be deposited in s. 20.435 (1) (gt) and utilized in accordance with s.  
8 146.58 (9).

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

16 **(b)** If a fine or forfeiture is imposed by a court of record, after a determination  
17 by the court of the amount due, the clerk of the court shall collect and transmit such  
18 amount to the county treasurer as provided in s. 59.395 (5). The county treasurer  
19 shall then make payment to the state treasurer as provided in s. 59.20 (5) (b).

20 **(c)** If a fine or forfeiture is imposed by a municipal court, after a determination  
21 by the court of the amount due, the court shall collect and transmit such amount to  
22 the treasurer of the county, city, town or village, and that treasurer shall make  
23 payment to the state treasurer as provided in s. 66.12 (1) (b).

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

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

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

9           345.26 (2) (b) In addition to the amount in par. (a), the deposit shall include  
10 court costs, including any applicable fees prescribed in ch. 814, any applicable  
11 penalty assessment, any applicable emergency medical services surcharge and any  
12 applicable jail assessment.

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

14           345.36 (2) (b) Deem the nonappearance a plea of no contest and enter judgment  
15 accordingly. If the defendant has posted bond for appearance at that date, the court  
16 may also order the bond forfeited. The court shall promptly mail a copy of the  
17 judgment to the defendant. The judgment shall allow not less than 20 days from the  
18 date thereof for payment of any forfeiture, penalty assessment, jail assessment,  
19 emergency medical services surcharge and costs imposed. If the defendant moves  
20 to open the judgment within 20 days after the date set for trial, and shows to the  
21 satisfaction of the court that the failure to appear was due to mistake, inadvertence,  
22 surprise or excusable neglect, the court shall open the judgment, reinstate the not  
23 guilty plea and set a new trial date. The court may impose costs under s. 814.07. The  
24 court shall immediately notify the department to delete the record of conviction  
25 based upon the original judgment.

1           **SECTION 17.** 345.37 (2) of the statutes is amended to read:

2           345.37 (2) If the defendant has made a deposit under s. 345.26, the citation may  
3           serve as the initial pleading and the defendant shall be deemed to have tendered a  
4           plea of no contest and submitted to a forfeiture and a penalty assessment, if required  
5           by s. 165.87, and a jail assessment, if required by s. 302.46 (1), and an emergency  
6           medical services surcharge, if required by s. 345.15 (2), plus costs, including any  
7           applicable fees prescribed in ch. 814, not exceeding the amount of the deposit. The  
8           court may either accept the plea of no contest and enter judgment accordingly, or  
9           reject the plea and issue a summons under ch. 968. If the defendant fails to appear  
10          in response to the summons, the court shall issue a warrant under ch. 968. If the  
11          court accepts the plea of no contest, the defendant may move within 6 months after  
12          the date set for the appearance to withdraw the plea of no contest, open the judgment  
13          and enter a plea of not guilty upon a showing to the satisfaction of the court that the  
14          failure to appear was due to mistake, inadvertence, surprise or excusable neglect.  
15          If on reopening the defendant is found not guilty, the court shall immediately notify  
16          the department to delete the record of conviction based on the original proceeding  
17          and shall order the defendant's deposit returned.

18          **SECTION 18.** 345.37 (5) of the statutes is amended to read:

19          345.37 (5) Within 5 working days after forfeiture of deposit or entry of default  
20          judgment, the official receiving the forfeiture, the penalty assessment, if required by  
21          s. 165.87, and the jail assessment, if required by s. 302.46 (1), and the emergency  
22          medical services surcharge, if required by s. 345.15 (2), shall forward to the  
23          department a certification of the entry of default judgment or a judgment of  
24          forfeiture.

25          **SECTION 19.** 345.375 (2) of the statutes is amended to read:

1           345.375 (2) Upon default of the defendant corporation or limited liability  
2 company or upon conviction, judgment for the amount of the forfeiture, the penalty  
3 assessment, if required under s. 165.87, and the jail assessment, if required by s.  
4 302.46 (1), and the emergency medical services surcharge, if required by s. 345.15 (2),  
5 shall be entered.

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

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

14           **SECTION 21.** 345.47 (1) (b) of the statutes is amended to read:

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

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

24           345.47 (1) (c) If a court or judge suspends an operating privilege under this  
25 section, the court or judge shall immediately take possession of the suspended license

1 and shall forward it to the department together with the notice of suspension, which  
2 shall clearly state that the suspension was for failure to pay a forfeiture, a penalty  
3 assessment, if required by s. 165.87, and a jail assessment, if required by s. 302.46  
4 (1), and an emergency medical services surcharge, if required by s. 345.15 (2),  
5 imposed by the court. The notice of suspension and the suspended license, if it is  
6 available, shall be forwarded to the department within 48 hours after the order of  
7 suspension. If the forfeiture, penalty assessment ~~and~~ jail assessment and  
8 emergency medical services surcharge are paid during a period of suspension, the  
9 court or judge shall immediately notify the department. Upon receipt of the notice  
10 and payment of the reinstatement fee under s. 343.21 (1) (j), the department shall  
11 return the surrendered license.

12 **SECTION 23.** 345.47 (3) of the statutes is amended to read:

13 345.47 (3) When a defendant is imprisoned for nonpayment of a forfeiture, a  
14 penalty assessment ~~or~~ a jail assessment or an emergency medical services surcharge  
15 for an action brought by a municipality located in more than one county, any  
16 commitment to a county institution shall be to the county in which the action was  
17 tried.

18 **SECTION 24.** 345.49 (1) of the statutes is amended to read:

19 345.49 (1) Any person imprisoned under s. 345.47 for nonpayment of a  
20 forfeiture, a penalty assessment, if required by s. 165.87, or a jail assessment, if  
21 required by s. 302.46 (1), or an emergency medical services surcharge, if required by  
22 s. 345.15 (2), may, on request, be allowed to work under s. 303.08. If the person does  
23 work, earnings shall be applied on the unpaid forfeiture, penalty assessment or jail  
24 assessment after payment of personal board and expenses and support of personal  
25 dependents to the extent directed by the court.

1           **SECTION 25.** 345.49 (2) of the statutes is amended to read:

2           345.49 (2) Any person who is subject to imprisonment under s. 345.47 for  
3 nonpayment of a forfeiture, penalty assessment ~~or jail assessment,~~ jail assessment  
4 or emergency medical services surcharge may be placed on probation to some person  
5 satisfactory to the court for not more than 90 days or until the forfeiture, penalty  
6 assessment ~~or jail assessment,~~ jail assessment or emergency medical services  
7 surcharge is paid if that is done before expiration of the 90-day period. The payment  
8 of the forfeiture, penalty assessment ~~or jail assessment,~~ jail assessment or  
9 emergency medical services surcharge during that period shall be a condition of the  
10 probation. If the forfeiture, penalty assessment ~~or jail assessment,~~ jail assessment  
11 or emergency medical services surcharge is not paid or the court deems that the  
12 interests of justice require, probation may be terminated and the defendant  
13 imprisoned as provided in sub. (1) or s. 345.47.

14           **SECTION 26.** 345.61 (2) (c) of the statutes is amended to read:

15           345.61 (2) (c) "Guaranteed arrest bond certificate" as used in this section means  
16 any printed card or other certificate issued by an automobile club, association or  
17 insurance company to any of its members or insureds, which card or certificate is  
18 signed by the member or insureds and contains a printed statement that the  
19 automobile club, association or insurance company and a surety company, or an  
20 insurance company authorized to transact both automobile liability insurance and  
21 surety business, guarantee the appearance of the persons whose signature appears  
22 on the card or certificate and that they will in the event of failure of the person to  
23 appear in court at the time of trial, pay any fine or forfeiture imposed on the person,  
24 including the penalty assessment required by s. 165.87 ~~and,~~ the jail assessment

1 required by s. 302.46 (1), and the emergency medical services surcharge required by  
2 s. 345.15 (2) in an amount not exceeding \$200, or \$1,000 as provided in sub. (1) (b).

3 **SECTION 27.** 346.655 (1) of the statutes is amended to read:

4 346.655 (1) ~~On or after July 1, 1988, if~~ If a court imposes a fine or a forfeiture  
5 for a violation of s. 346.63 (1) or (5), or a local ordinance in conformity therewith, or  
6 s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a  
7 vehicle, it shall impose a driver improvement surcharge in an amount of \$250 in  
8 addition to the fine or forfeiture, penalty assessment ~~and~~, jail assessment and  
9 emergency medical services surcharge.

10 **SECTION 28.** 778.02 of the statutes is amended to read:

11 **778.02 Action in name of state; complaint; attachment.** Every such  
12 forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to  
13 allege in the complaint that the defendant is indebted to the plaintiff in the amount  
14 of the forfeiture claimed, according to the provisions of the statute that imposes it,  
15 specifying the statute and for the penalty assessment imposed by s. 165.87, the jail  
16 assessment imposed by s. 302.46 (1), any applicable emergency medical services  
17 surcharge imposed by s. 345.15 (2) and any applicable domestic abuse assessment  
18 imposed by s. 973.055 (1). If the statute imposes a forfeiture for several offenses or  
19 delinquencies the complaint shall specify the particular offense or delinquency for  
20 which the action is brought, with a demand for judgment for the amount of the  
21 forfeiture, penalty assessment, jail assessment and any applicable emergency  
22 medical services surcharge or domestic abuse assessment. If the defendant is a  
23 nonresident of the state, an attachment may issue.

24 **SECTION 29.** 778.03 of the statutes is amended to read:



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

8           **SECTION 30.** 778.06 of the statutes is amended to read:

9           **778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a  
10 specific sum or when it is not less than one sum or more than another, the action may  
11 be brought for the highest sum specified and for the penalty assessment imposed by  
12 s. 165.87, the jail assessment imposed by s. 302.46 (1), any applicable emergency  
13 medical services surcharge imposed by s. 345.15 (2) and any applicable domestic  
14 abuse assessment imposed by s. 973.055 (1); and judgment may be rendered for such  
15 sum as the court or jury shall assess or determine to be proportionate to the offense.

16           **SECTION 31.** 778.10 of the statutes is amended to read:

17           **778.10 Municipal forfeitures, how recovered.** All forfeitures imposed by  
18 any ordinance or regulation of any county, town, city or village, or of any other  
19 domestic corporation may be sued for and recovered, under this chapter, in the name  
20 of the county, town, city, village or corporation. It is sufficient to allege in the  
21 complaint that the defendant is indebted to the plaintiff in the amount of the  
22 forfeiture claimed, specifying the ordinance or regulation that imposes it and of the  
23 penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46  
24 (1), any applicable emergency medical services surcharge imposed by s. 345.15 (2)  
25 and any applicable domestic abuse assessment imposed by s. 973.055 (1). If the

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

10 **SECTION 32.** 778.105 of the statutes is amended to read:

11 **778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by  
12 any court or any branch thereof for the violation of any municipal or county  
13 ordinance shall be paid to the municipality or county. Penalty assessment payments  
14 shall be made as provided in s. 165.87. Jail assessment payments shall be made as  
15 provided in s. 302.46 (1). Domestic abuse assessments shall be made as provided in  
16 s. 973.055. Emergency medical services surcharges shall be made as provided in s.  
17 345.15.

18 **SECTION 33.** 778.13 of the statutes is amended to read:

19 **778.13 Forfeitures collected, to whom paid.** All moneys collected in favor  
20 of the state for forfeiture, except the portion to be paid to any person who sues with  
21 the state, shall be paid by the officer who collects the forfeiture to the treasurer of the  
22 county within which the forfeiture was incurred within 20 days after its receipt. In  
23 case of any failure in the payment the county treasurer may collect the payment of  
24 the officer by action, in the name of the office and upon the official bond of the officer,  
25 with interest at the rate of 12% per year from the time when it should have been paid.

1 Penalty assessment payments shall be made as provided in s. 165.87. Jail  
2 assessment payments shall be made as provided in s. 302.46 (1). Domestic abuse  
3 assessments shall be made as provided in s. 973.055. Emergency medical services  
4 surcharges shall be made as provided in s. 345.15.

5 **SECTION 34.** 778.18 of the statutes is amended to read:

6 **778.18 Penalty upon municipal judge.** If any municipal judge, of his or her  
7 own will, dismisses any action brought before the judge under this chapter, unless  
8 by order of the district attorney or attorney general or the person joined as plaintiff  
9 with the state, or renders a less judgment therein than is prescribed by law, or  
10 releases or discharges any such judgment or part thereof without payment or  
11 collection, the judge and the judge's sureties shall be liable, in an action upon the  
12 judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture  
13 imposed by the judge and for the penalty assessment imposed by s. 165.87, the jail  
14 assessment imposed by s. 302.46 (1), any applicable emergency medical services  
15 surcharges imposed by s. 345.15 (2) and any applicable domestic abuse assessment  
16 imposed by s. 973.055 (1), or for an amount equal to the amount in which any such  
17 judgment or any part thereof is released or discharged. If any municipal judge gives  
18 time or delay to any person against whom any such judgment is rendered by the  
19 judge, or takes any bond or security for its future payment, the judge and the judge's  
20 sureties shall also be liable for the payment of the judgment upon the judge's bond.

21 **SECTION 35.** 800.02 (2) (a) 8. of the statutes is amended to read:

22 800.02 (2) (a) 8. Notice that if the defendant makes a deposit and fails to appear  
23 in court at the time fixed in the citation, the defendant is deemed to have tendered  
24 a plea of no contest and submits to a forfeiture, penalty assessment, jail assessment  
25 and any applicable emergency medical services surcharge or domestic abuse

1 assessment plus costs, including the fee prescribed in s. 814.65 (1), not to exceed the  
2 amount of the deposit. The notice shall also state that the court may decide to  
3 summon the defendant rather than accept the deposit and plea.

4 **SECTION 36.** 800.02 (3) (a) 5. of the statutes is amended to read:

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

12 **SECTION 37.** 800.03 (3) of the statutes is amended to read:

13 800.03 (3) The amount of the deposit shall be set by the municipal judge, but  
14 shall not be effective until approved by the governing body of the municipality. The  
15 amount shall not exceed the maximum penalty for the offense, including any penalty  
16 assessment that would be applicable under s. 165.87, any jail assessment that would  
17 be applicable under s. 302.46 (1), any emergency medical services surcharge that  
18 would be applicable under s. 345.15 (2) and any domestic abuse assessment that  
19 would be applicable under s. 973.055 (1), plus court costs, including the fee  
20 prescribed in s. 814.65 (1).

21 **SECTION 38.** 800.04 (2) (c) of the statutes is amended to read:

22 800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03  
23 and does not appear, he or she is deemed to have tendered a plea of no contest and  
24 submits to a forfeiture, a penalty assessment imposed by s. 165.87, a jail assessment  
25 imposed by s. 302.46 (1), any applicable emergency medical services surcharge

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

10 **SECTION 39.** 800.09 (1) (intro.) of the statutes is amended to read:

11 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it  
12 may render judgment by ordering restitution under s. 800.093 and payment of a  
13 forfeiture, the penalty assessment imposed by s. 165.87, the jail assessment imposed  
14 by s. 302.46 (1), any applicable emergency medical services surcharge imposed by s.  
15 345.15 (2) and any applicable domestic abuse assessment imposed by s. 973.055 (1)  
16 plus costs of prosecution, including the fee prescribed in s. 814.65 (1). 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, assessments and, if  
19 applicable, emergency medical services surcharge, and costs. If the judgment is not  
20 paid, the court may proceed under par. (a), (b) or (c) or any combination of those  
21 paragraphs, as follows:

22 **SECTION 40.** 800.09 (1) (a) of the statutes is amended to read:

23 800.09 (1) (a) The court may defer payment of any judgment or provide for  
24 instalment payments. At the time the judgment is rendered, the court shall inform  
25 the defendant, orally and in writing, of the date by which restitution and the

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

10 **SECTION 41.** 800.09 (2) (b) of the statutes is amended to read:

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

25 **SECTION 42.** 800.12 (2) of the statutes is amended to read:

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

7           **SECTION 43.** 814.60 (2) (cg) of the statutes is created to read:

8           814.60 (2) (cg) Emergency medical services surcharge imposed by s. 345.15 (2);

9           **SECTION 44.** 973.05 (1) of the statutes is amended to read:

10          973.05 (1) When a defendant is sentenced to pay a fine, the court may grant  
11 permission for the payment of the fine, of the penalty assessment imposed by s.  
12 165.87, the jail assessment imposed by s. 302.46 (1), the crime victim and witness  
13 assistance surcharge under s. 973.045, any applicable deoxyribonucleic acid analysis  
14 surcharge under s. 973.046, any applicable drug abuse program improvement  
15 surcharge imposed by s. 161.41 (5), any applicable domestic abuse assessment  
16 imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable emergency medical  
17 services surcharge imposed by s. 345.15, any applicable driver improvement  
18 surcharge imposed by s. 346.655, any applicable weapons assessment imposed by s.  
19 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4), any  
20 applicable environmental assessment imposed by s. 144.992, any applicable wild  
21 animal protection assessment imposed by s. 29.9965, any applicable natural  
22 resources assessment imposed by s. 29.997 and any applicable natural resources  
23 restitution payment imposed by s. 29.998 to be made within a period not to exceed  
24 60 days. If no such permission is embodied in the sentence, the fine, the penalty  
25 assessment, the jail assessment, the crime victim and witness assistance surcharge,

1 any applicable deoxyribonucleic acid analysis surcharge, any applicable drug abuse  
2 program improvement surcharge, any applicable domestic abuse assessment, any  
3 applicable emergency medical services surcharge, any applicable driver  
4 improvement surcharge, any applicable weapons assessment, any applicable  
5 uninsured employer assessment, any applicable environmental assessment, any  
6 applicable wild animal protection assessment, any applicable natural resources  
7 assessment and any applicable natural resources restitution payment shall be  
8 payable immediately.

9 **SECTION 45.** 973.05 (2) of the statutes is amended to read:

10 973.05 (2) When a defendant is sentenced to pay a fine and is also placed on  
11 probation, the court may make the payment of the fine, the penalty assessment, the  
12 jail assessment, the crime victim and witness assistance surcharge, any applicable  
13 deoxyribonucleic acid analysis surcharge, any applicable drug abuse program  
14 improvement surcharge, any applicable domestic abuse assessment, any applicable  
15 uninsured employer assessment, any applicable emergency medical services  
16 surcharge, any applicable driver improvement surcharge, any applicable weapons  
17 assessment, any applicable environmental assessment, any applicable wild animal  
18 protection assessment, any applicable natural resources assessment and any  
19 applicable natural resources restitution payments a condition of probation. When  
20 the payments are made a condition of probation by the court, payments thereon shall  
21 be applied first to payment of the penalty assessment until paid in full, shall then  
22 be applied to the payment of the jail assessment until paid in full, shall then be  
23 applied to the payment of part A of the crime victim and witness assistance surcharge  
24 until paid in full, shall then be applied to part B of the crime victim and witness  
25 assistance surcharge until paid in full, shall then be applied to the deoxyribonucleic



1 acid analysis surcharge until paid in full, shall then be applied to the drug abuse  
2 improvement surcharge until paid in full, shall then be applied to payment of the  
3 emergency medical services surcharge until paid in full, shall then be applied to  
4 payment of the driver improvement surcharge until paid in full, shall then be applied  
5 to payment of the domestic abuse assessment until paid in full, shall then be applied  
6 to payment of the natural resources assessment if applicable until paid in full, shall  
7 then be applied to payment of the natural resources restitution payment until paid  
8 in full, shall then be applied to the payment of the environmental assessment if  
9 applicable until paid in full, shall then be applied to the payment of the wild animal  
10 protection assessment if applicable until paid in full, shall then be applied to  
11 payment of the weapons assessment until paid in full, shall then be applied to  
12 payment of the uninsured employer assessment until paid in full and shall then be  
13 applied to payment of the fine.

14 **SECTION 46.** 973.07 of the statutes is amended to read:

15 **973.07 Failure to pay fine or costs.** If the fine, costs, penalty assessment,  
16 jail assessment, crime victim and witness assistance surcharge, applicable  
17 deoxyribonucleic acid analysis surcharge, applicable drug abuse program  
18 improvement surcharge, applicable domestic abuse assessment, applicable  
19 emergency medical services surcharge, applicable driver improvement surcharge,  
20 applicable weapons assessment, applicable uninsured employer assessment,  
21 applicable environmental assessment, applicable wild animal protection  
22 assessment, applicable natural resources assessment and applicable natural  
23 resources restitution payments are not paid as required by the sentence, the  
24 defendant may be committed to the county jail until the fine, costs, penalty  
25 assessment, jail assessment, crime victim and witness assistance surcharge,

1 applicable deoxyribonucleic acid analysis surcharge, applicable drug abuse program  
2 improvement surcharge, applicable domestic abuse assessment, applicable  
3 emergency medical services surcharge, applicable driver improvement surcharge,  
4 applicable weapons assessment, applicable uninsured employer assessment,  
5 applicable environmental assessment, applicable wild animal protection  
6 assessment, applicable natural resources assessment or applicable natural  
7 resources restitution payments are paid or discharged for a period fixed by the court  
8 not to exceed 6 months.

9 **SECTION 47. Initial applicability.**

10 (1) This act first applies to violations occurring on the effective date of this  
11 subsection.

12 **SECTION 48. Effective date.**

13 (1) This act takes effect on the first day of the 7th month beginning after  
14 publication.

15 (END)