



**ASSEMBLY AMENDMENT 11,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO 1995 ASSEMBLY BILL 13**

January 31, 1996 – Offered by Representative BAUMGART.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1, line 8: after that line insert:

3 “**SECTION 1e.** 165.83 (2) (am) of the statutes is created to read:

4 165.83 (2) (am) Obtain and file a copy of a warning given under s. 943.13 (1p)  
5 (b) to a person alleged to have violated s. 943.13 (1m) (a) or (am).

6 **SECTION 1m.** 165.84 (5m) of the statutes is created to read:

7 165.84 (5m) All persons in charge of law enforcement and tribal law  
8 enforcement agencies in this state shall furnish the department with a copy of a  
9 warning given under s. 943.13 (1p) (b) to a person alleged to have violated s. 943.13  
10 (1m) (a) or (am).

11 **SECTION 1s.** 778.26 (1) of the statutes is amended to read:

12 778.26 (1) The citation procedures established by this section may be used only  
13 in an action to recover a forfeiture under s. 943.13. A citation under this section may  
14 be issued to a person alleged to have violated s. 943.13 (1m) (a) or (am) only as  
15 provided under s. 943.13 (1p) (b). The citation form provided by this section may

1 serve as the initial pleading for the action and is adequate process to give a court  
2 jurisdiction over the person if the citation is filed with the circuit court.”.

3 **2. Page 1, line 9:** delete that line and substitute:

4 “**SECTION 2m.** 943.13 (1) (intro.) of the statutes is renumbered 943.13 (1m)  
5 (intro.) and amended to read:

6 943.13 (1m) (intro.) ~~Whoever~~ Subject to sub. (1p), whoever does any of the  
7 following is subject to a Class B forfeiture:”.

8 **3. Page 3, line 16:** after that line insert:

9 “**SECTION 9m.** 943.13 (1p) of the statutes is created to read:

10 943.13 (1p) (a) A person who is alleged to have violated sub. (1m) (a) or (am)  
11 may not be prosecuted for the alleged violation unless the person received a warning  
12 under par. (b) at any time before the alleged violation.

13 (b) Before issuing a citation under s. 778.26 to a person who a law enforcement  
14 officer believes has violated sub. (1m) (a) or (am), the law enforcement officer shall  
15 determine whether the department of justice has on file information indicating that  
16 the person has previously received a warning under this paragraph for allegedly  
17 violating sub. (1m) (a) or (am). If the department of justice files indicate that the  
18 person has not previously received a warning under this paragraph for allegedly  
19 violating sub. (1m) (a) or (am), the law enforcement officer shall issue the person a  
20 warning and may not issue the person a citation under s. 778.26. A warning issued  
21 under this paragraph shall include the date of the alleged violation of sub. (1m) (a)  
22 or (am), the date on which the warning is issued and identifying information of the  
23 person alleged to have violated sub. (1m) (a) or (am). The law enforcement officer  
24 shall provide a copy of a warning issued under this paragraph to the department of

1 justice for filing under s. 165.83 (2) (am). If the department of justice files indicate  
2 that the person has previously received a warning under this paragraph for allegedly  
3 violating sub. (1m) (a) or (am), the law enforcement officer may issue the person a  
4 citation under s. 778.26.”.

5

**(END)**