

State of Wisconsin



1999 Assembly Bill 211

Date of enactment: April 11, 2000
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1999 WISCONSIN ACT 58

AN ACT to amend 753.40, 755.20, 973.06 (1) (f) and 973.09 (1x); and to create 757.17, 778.027 and 967.057 of the statutes; relating to: contributions to crime prevention organizations.

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

SECTION 1. 753.40 of the statutes is amended to read:

753.40 Contributions to crime prevention organizations. ~~A~~ If a circuit court may require finds in a forfeiture action that a person violating violated an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment, the circuit court may require the person to make a contribution not to exceed the maximum amount of the forfeiture which that may be levied to a crime prevention organization if the court determines that the violator has the financial ability to make the contribution. If the court does require a person to make a contribution to a crime prevention organization but does not require the person to pay a forfeiture or court costs, the court shall state on the record the reasons why it is not requiring the person to pay the forfeiture or court costs. All contributions made under this section shall be made to the clerk of circuit court for distribution to the crime prevention organization. The circuit court may not require a person to make a contribution under this section to a crime prevention organization that has not complied with the provisions of s. 757.17.

SECTION 2. 755.20 of the statutes is amended to read:

755.20 Contributions to crime prevention organizations. ~~A~~ If a municipal court may require finds in a

forfeiture action that a person violating violated an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment, the municipal court may require the person to make a contribution not to exceed the maximum amount of the forfeiture which that may be levied to a crime prevention organization if the court determines that the violator has the financial ability to make the contribution. If the court does require a person to make a contribution to a crime prevention organization but does not require the person to pay a forfeiture or court costs, the court shall state on the record the reasons why it is not requiring the person to pay the forfeiture or court costs. All contributions made under this section shall be made to the municipal court for distribution to the crime prevention organization. The municipal court may not require a person to make a contribution under this section to a crime prevention organization that has not complied with the provisions of s. 757.17.

SECTION 3. 757.17 of the statutes is created to read:

757.17 Crime prevention organization reporting.

Every organization that receives contributions under s. 753.40, 755.20, 973.06 (1) (f) or 973.09 (1x) shall submit a report annually by February 1 to the clerk of the court that ordered the contribution. The report shall be on a form designed and provided by the director of state courts and shall include all of the following information for the calendar year preceding the submittal of the report:

* Section 991.11, WISCONSIN STATUTES 1997-98: 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

- (1) The amount of contributions received.
- (2) The names of the persons who made the contributions.
- (3) The expenditures made with the contributions.
- (4) The balance of the contributions remaining.
- (5) The name of the organization that received the contribution and the names of the officers of the organization.

SECTION 4. 778.027 of the statutes is created to read:
778.027 Dismissals for contributions to crime prevention organizations. A prosecutor or an attorney representing the state or a political subdivision of the state may not, in exchange for a person's payment of a contribution to a crime prevention organization, dismiss or amend a citation or complaint alleging a violation that provides for a forfeiture.

SECTION 5. 967.057 of the statutes is created to read:
967.057 Dismissals for contributions to crime prevention organizations. A prosecutor may not, in exchange for a person's payment of a contribution to a crime prevention organization, dismiss or amend a charge alleging a criminal offense.

SECTION 6. 973.06 (1) (f) of the statutes is amended to read:

973.06 (1) (f) An amount determined by the court to make a reasonable contribution to a crime prevention organization, if the court determines that the person has the financial ability to make the contribution and the contribution is appropriate. If the court does require a person to make a contribution to a crime prevention organization but does not require the person to pay any fine that may be imposed for the offense or court costs, the court shall state on the record the reasons why it is not requiring the person to pay the fine or court costs. All contributions made under this paragraph shall be made to the clerk of circuit court for distribution to the crime prevention organization. The court may not order a person to make a con-

tribution under this paragraph to a crime prevention organization that has not complied with the provisions of s. 757.17.

SECTION 7. 973.09 (1x) of the statutes is amended to read:

973.09 (1x) If the court places a person on probation, the court may require that the probationer make a contribution to a crime prevention organization if the court determines that the probationer has the financial ability to make the contribution. If the court does require a person to make a contribution to a crime prevention organization but does not require the person to pay any fine that may be imposed for the offense or court costs, the court shall state on the record the reasons why it is not requiring the person to pay the fine or court costs. All contributions made under this subsection shall be made to the clerk of circuit court for distribution to the crime prevention organization. The court may not require a person to make a contribution under this subsection to a crime prevention organization that has not complied with the provisions of s. 757.17.

SECTION 8. Nonstatutory provisions.

(1) Notwithstanding section 757.17 of the statutes, as created by this act, if this subsection takes effect before January 1, 2000, the report required on February 1, 2000, under section 757.17 of the statutes, as created by this act, need only include information regarding contributions received from the effective date of this subsection to December 31, 1999. Notwithstanding section 757.17 of the statutes, as created by this act, if this subsection takes effect after December 31, 1999, the report required on February 1, 2001, under section 757.17 of the statutes, as created by this act, need only include information regarding contributions received from the effective date of this subsection to December 31, 2000.