

**ASSEMBLY AMENDMENT 2,
TO 1999 ASSEMBLY BILL 247**

June 1, 1999 – Offered by Representative GOETSCH.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 2: after “restitution” insert “and the payment of a forfeiture”.

3 **2.** Page 8, line 13: delete lines 13 and 14 and substitute “such deferred
4 prosecution agreement shall include a determination that the juvenile alone is
5 financially able to pay or physically able to perform the services, may allow”.

6 **3.** Page 8, line 16: after “services” insert “. Any deferred prosecution
7 agreement that requires the performance of services for the victim shall include a
8 determination that the juvenile is physically able to perform the services”.

9 **4.** Page 9, line 10: delete lines 10 and 11 and substitute “(1) (d). Any order
10 under this subd. 5. am. shall include a finding that the parent who has custody of the
11 juvenile is financially able to pay the amount ordered”.

12 **5.** Page 9, line 12: delete “and” and substitute “and paragraph”.

1 **6.** Page 9, line 13: delete “the payment” and substitute “the payment of the
2 amount ordered”.

3 **7.** Page 16, line 16: delete lines 16 and 17 and substitute “by a juvenile shall
4 ~~include a finding that the juvenile alone is financially able to pay or physically able~~
5 ~~to perform the services,~~ may allow up to the date of the expiration”.

6 **8.** Page 16, line 18: after “services” insert “. Any consent decree that requires
7 the performance of services for the victim shall include a finding that the juvenile is
8 physically able to perform the services”.

9 **9.** Page 17, line 13: delete lines 13 and 14 and substitute “parent who has
10 custody of the juvenile ~~shall include a finding that the parent who has custody of the~~
11 ~~juvenile is financially able to pay the amount ordered and may~~”.

12 **10.** Page 17, line 15: delete “the payment” and substitute “the payment of the
13 amount required”.

14 **11.** Page 21, line 11: delete lines 11 and 12 and substitute “~~well-being and~~
15 ~~behavior of the juvenile. Any such order shall include a finding that the juvenile~~
16 ~~alone is financially able to pay or physically able to perform the services,~~”.

17 **12.** Page 21, line 14: after “services” insert “. Any such order that requires the
18 performance of services for the victim shall include a finding that the juvenile is
19 physically able to perform the services”.

20 **13.** Page 24, line 14: after that line insert:

21 “**SECTION 47m.** 938.34 (8) of the statutes is amended to read:

22 938.34 **(8)** FORFEITURE. Impose a forfeiture based upon a determination that
23 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The

1 maximum forfeiture that the court may impose under this subsection for a violation
2 by a juvenile is the maximum amount of the fine that may be imposed on an adult
3 for committing that violation or, if the violation is applicable only to a person under
4 18 years of age, \$100. Any such order ~~shall include a finding that the juvenile alone~~
5 ~~is financially able to pay the forfeiture and shall allow up to 12 months for payment.~~
6 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
7 other alternatives under this section, in accordance with the conditions specified in
8 this chapter; or the court may suspend any license issued under ch. 29 for not less
9 than 30 days nor more than 5 years, or suspend the juvenile's operating privilege as
10 defined in s. 340.01 (40) for not less than 30 days nor more than 5 years. If the court
11 suspends any license under this subsection, the clerk of the court shall immediately
12 take possession of the suspended license and forward it to the department which
13 issued the license, together with a notice of suspension clearly stating that the
14 suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is
15 paid during the period of suspension, the suspension shall be reduced to the time
16 period which has already elapsed and the court shall immediately notify the
17 department which shall then return the license to the juvenile. Any recovery under
18 this subsection shall be reduced by the amount recovered as a forfeiture for the same
19 act under s. 938.45 (1r) (b).

20 **SECTION 47p.** 938.34 (8) of the statutes, as affected by 1997 Wisconsin Act 84
21 and 1999 Wisconsin Act (this act), is repealed and recreated to read:

22 938.34 **(8)** FORFEITURE. Impose a forfeiture based upon a determination that
23 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The
24 maximum forfeiture that the court may impose under this subsection for a violation
25 by a juvenile is the maximum amount of the fine that may be imposed on an adult

1 for committing that violation or, if the violation is applicable only to a person under
2 18 years of age, \$100. Any such order shall allow up to 12 months for payment. If
3 the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
4 other alternatives under this section, in accordance with the conditions specified in
5 this chapter; or the court may suspend any license issued under ch. 29 for not less
6 than 30 days nor more than 5 years, or suspend the juvenile's operating privilege as
7 defined in s. 340.01 (40) for not more than 2 years. If the court suspends any license
8 under this subsection, the clerk of the court shall immediately take possession of the
9 suspended license and forward it to the department which issued the license,
10 together with a notice of suspension clearly stating that the suspension is for failure
11 to pay a forfeiture imposed by the court. If the forfeiture is paid during the period
12 of suspension, the suspension shall be reduced to the time period which has already
13 elapsed and the court shall immediately notify the department which shall then
14 return the license to the juvenile. Any recovery under this subsection shall be
15 reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r)
16 (b).

17 **SECTION 47r.** 938.343 (2) of the statutes is amended to read:

18 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
19 be imposed on an adult for committing that violation or, if the violation is only
20 applicable to a person under 18 years of age, \$50. Any such order shall include a
21 finding that the juvenile alone is financially able to pay and shall allow up to 12
22 months for the payment. If a juvenile fails to pay the forfeiture, the court may
23 suspend any license issued under ch. 29 or suspend the juvenile's operating privilege
24 as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years. The court
25 shall immediately take possession of the suspended license and forward it to the

1 department which issued the license, together with the notice of suspension clearly
2 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
3 the forfeiture is paid during the period of suspension, the court shall immediately
4 notify the department, which will thereupon return the license to the person. Any
5 recovery under this subsection shall be reduced by the amount recovered as a
6 forfeiture for the same act under s. 938.45 (1r) (b).

7 **SECTION 47t.** 938.343 (2) of the statutes, as affected by 1997 Wisconsin Act 84
8 and 1999 Wisconsin Act (this act), is repealed and recreated to read:

9 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
10 be imposed on an adult for committing that violation or, if the violation is only
11 applicable to a person under 18 years of age, \$50. Any such order shall allow up to
12 12 months for the payment. If a juvenile fails to pay the forfeiture, the court may
13 suspend any license issued under ch. 29 or suspend the juvenile's operating privilege
14 as defined in s. 340.01 (40), for not more than 2 years. The court shall immediately
15 take possession of the suspended license and forward it to the department which
16 issued the license, together with the notice of suspension clearly stating that the
17 suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is
18 paid during the period of suspension, the court shall immediately notify the
19 department, which will thereupon return the license to the person. Any recovery
20 under this subsection shall be reduced by the amount recovered as a forfeiture for
21 the same act under s. 938.45 (1r) (b).".

22 **14.** Page 25, line 1: delete lines 1 to 3 and substitute "~~well-being and behavior~~
23 ~~of the juvenile.~~ Any such order requiring payment for repairs or restitution shall

1 ~~include a finding that the juvenile alone is financially able to pay or physically able~~
2 ~~to perform the services, may allow up to the date of the”.~~

3 **15.** Page 25, line 4: after “services” insert “. Any such order that requires the
4 performance of services for the victim shall include a finding that the juvenile is
5 physically able to perform the services”.

6 **16.** Page 28, line 4: delete “shall”.

7 **17.** Page 28, line 5: delete lines 5 and 6 and substitute “~~shall include a finding~~
8 ~~that the parent who has custody of the juvenile is financially able to pay the amount~~
9 ~~ordered and may allow up to the date of expiration of the order”.~~

10 **18.** Page 28, line 7: delete “the payment” and substitute “the payment of the
11 amount ordered”.

12 **19.** Page 28, line 8: after that line insert:

13 “**SECTION 56m.** 938.45 (1r) (b) of the statutes is amended to read:

14 938.45 **(1r)** (b) In a proceeding in which the court has determined under s.
15 938.34 (8) or 938.343 (2) that the imposition of a forfeiture would be in the best
16 interest of the juvenile and in aid of rehabilitation, the court may order a parent who
17 has custody, as defined in s. 895.035 (1), of the juvenile to pay the forfeiture. The
18 amount of any forfeiture ordered under this paragraph may not exceed the amount
19 specified in s. 799.01 (1) (d). Any order under this paragraph ~~shall include a finding~~
20 ~~that the parent who has custody of the juvenile is financially able to pay the amount~~
21 ~~ordered and shall allow up to 12 months after the date of the order for the payment~~
22 of the amount ordered. Any recovery under this paragraph shall be reduced by the
23 amount recovered as a forfeiture for the same act under s. 938.34 (8) or 938.343 (2).”.

24 **20.** Page 32, line 19: after that line insert:

