

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 648**

March 21, 2000 – Offered by Representatives COLON, YOUNG and MORRIS-TATUM.

1     **AN ACT to amend** 938.17 (2) (d), 938.34 (8) and 938.343 (2) of the statutes;  
2             **relating to:** authority of a court to suspend a juvenile’s operating privilege for  
3             failing to pay a forfeiture.

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

4             **SECTION 1.** 938.17 (2) (d) of the statutes, as affected by 1999 Wisconsin Act 9,  
5     is amended to read:  
6             938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal  
7     ordinance other than an ordinance enacted under s. 118.163 or an ordinance that  
8     conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)  
9     or 961.575 (2), the court shall enter any of the dispositional orders permitted under  
10    s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture  
11    imposed by the municipal court, the court may not impose a jail sentence but may  
12    suspend any license issued under ch. 29 for not less than 30 days nor more than 5

1 years, or, ~~unless the forfeiture was imposed for violating an ordinance unrelated to~~  
2 ~~the juvenile's operation of a motor vehicle~~ if the juvenile was at least 15 years and  
3 6 months of age at the time of the violation for which the forfeiture was ordered, may  
4 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less  
5 than 30 days nor more than 5 years. If a court suspends a license or privilege under  
6 this section, the court shall immediately take possession of the applicable license and  
7 forward it to the department that issued the license, together with the notice of  
8 suspension clearly stating that the suspension is for failure to pay a forfeiture  
9 imposed by the court. If the forfeiture is paid during the period of suspension, the  
10 court shall immediately notify the department, which shall thereupon return the  
11 license to the person.

12 **SECTION 2.** 938.34 (8) of the statutes, as affected by 1997 Wisconsin Act 84 and  
13 1999 Wisconsin Act 9, is amended to read:

14 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that  
15 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The  
16 maximum forfeiture that the court may impose under this subsection for a violation  
17 by a juvenile is the maximum amount of the fine that may be imposed on an adult  
18 for committing that violation or, if the violation is applicable only to a person under  
19 18 years of age, \$100. Any such order shall include a finding that the juvenile alone  
20 is financially able to pay the forfeiture and shall allow up to 12 months for payment.  
21 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order  
22 other alternatives under this section, in accordance with the conditions specified in  
23 this chapter; or the court may suspend any license issued under ch. 29 for not less  
24 than 30 days nor more than 5 years, or, ~~unless the forfeiture was imposed for~~  
25 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle~~ if the

1 juvenile was at least 15 years and 6 months of age at the time of the violation for  
2 which the forfeiture was ordered, may suspend the juvenile's operating privilege as  
3 defined in s. 340.01 (40) for not more than 2 years. If the court suspends any license  
4 under this subsection, the clerk of the court shall immediately take possession of the  
5 suspended license and forward it to the department which issued the license,  
6 together with a notice of suspension clearly stating that the suspension is for failure  
7 to pay a forfeiture imposed by the court. If the forfeiture is paid during the period  
8 of suspension, the suspension shall be reduced to the time period which has already  
9 elapsed and the court shall immediately notify the department which shall then  
10 return the license to the juvenile. Any recovery under this subsection shall be  
11 reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r)  
12 (b).

13 **SECTION 3.** 938.343 (2) of the statutes, as affected by 1997 Wisconsin Act 84 and  
14 1999 Wisconsin Act 9, is amended to read:

15 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may  
16 be imposed on an adult for committing that violation or, if the violation is only  
17 applicable to a person under 18 years of age, \$50. Any such order shall include a  
18 finding that the juvenile alone is financially able to pay and shall allow up to 12  
19 months for the payment. If a juvenile fails to pay the forfeiture, the court may  
20 suspend any license issued under ch. 29 or, ~~unless the forfeiture was imposed for~~  
21 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle~~ if the  
22 juvenile was at least 15 years and 6 months of age at the time of the violation for  
23 which the forfeiture was ordered, may suspend the juvenile's operating privilege as  
24 defined in s. 340.01 (40), for not more than 2 years. The court shall immediately take  
25 possession of the suspended license and forward it to the department which issued

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

7 **SECTION 4. Initial applicability.**

8 (1) This act first applies to forfeitures initially imposed on the effective date of  
9 this subsection.

10 (END)