

1999 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB648)

Received: **03/20/2000**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Shirley Krug (608) 2664813**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **TNF,GMM**

Pre Topic:

No specific pre topic given

Topic:

Suspend juvenile's operating privilege for failure to pay forfeiture; only if 15 1/2 or older at time of offense

Instructions:

Suspend only if juvenile was 15 1/2 or older at the time of the offense for which the forfeiture was ordered

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
I?	nilsepe 03/20/2000	gilfokm 03/20/2000		_____			
/1			martykr 03/20/2000	_____	lrb_docadmin 03/20/2000	lrb_docadmin 03/20/2000	

FE Sent For:

<END>

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1/?	nilsepe	1-3-20-2000 Kmg	Jm/20 ³	Jf Jm/20	3		

FE Sent For:

<END>

Krug

A Dem. caucus

AA - AB648 - kid DL

⇒ only apply if 15 1/2 years old at time of offense

Do AA - AB648

suspend for FPF only, if juvenile was 15 1/2
at time of offense giving rise to for-cause



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBs0452/2

PEN...:):...
king

Today

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY SUBSTITUTE AMENDMENT,

TO 1999 ASSEMBLY BILL 648

authority of a court to suspend a juvenile's operating privilege for failing to pay a forfeiture.

gen
cat

1 AN ~~ACT~~ ^{gen}... relating to: ~~...~~ ^{cat}

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

2 SECTION I. 938.17 (2) (d) of the statutes, as affected by 1999 Wisconsin Act 9,
3 is amended to read:

4 938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal
5 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that
6 conforms to s. 125.07 (4) (a) or(b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)
7 or 961.575 (2), the court shall enter any of the dispositional orders permitted under
8 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture
9 imposed by the municipal court, the court may not impose a jail sentence but may
10 suspend any license issued under ch. 29 for not less than 30 days nor more than 5
11 years, or, ~~unless the forfeiture was imposed for violating an ordinance related to~~

if the juvenile was at least 15 years and 6 months of age at the time of the violation

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

for which the fine was ordered

1997 Wisconsin Act 84 and

History: 1995 a. 77, 352, 448; 1997 a. 205239, 258; 1999 a. 9.

9


SECTION-- 938.34 (8) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that this disposition is in the best interest of the juvenile and in aid of rehabilitation. The maximum forfeiture that the court may impose under this subsection for a violation by a juvenile is the maximum amount of the fine that may be imposed on an adult for committing that violation or, if the violation is applicable only to a person under 18 years of age, \$100. Any such order shall include a finding that the juvenile alone is financially able to pay the forfeiture and shall allow up to 12 months for payment. If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order other alternatives under this section, in accordance with the conditions specified in this chapter; or the court may suspend any license issued under ch. 29 for not less than 30 days nor more than 5 years, or, ~~unless the forfeiture was imposed for violating an ordinance unrelated to the juvenile's operation of a motor vehicle~~, may suspend the juvenile's operating privilege as defined in s. 340.01 (40) for not more than 2 years. If the court suspends any license under this subsection, the clerk of the

if the juvenile was at least 15 years and 6 months of age at the time of the violation for which the forfeiture was ordered.

1 court shall immediately take possession of the suspended license and forward it to
 2 the department which issued the license, together with a notice of suspension clearly
 3 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
 4 the forfeiture is paid during the period of suspension, the suspension shall be reduced
 5 to the time period which has already elapsed and the court shall immediately notify
 6 the department which shall then return the license to the juvenile. Any recovery
 7 under this subsection shall be reduced by the amount recovered as a forfeiture for
 8 the same act under s. 938.45 (1r) (b).

1999 Wisconsin Act 84 and

~~NOTE: NOTE: Sub. (8) is shown as amended by 1997 Wis. Act 84 and 1999 Wis. Act 9, as merged by the revisor under s. 13.93 (2) (c). NOTE:~~

History: 1995 a. 77, 352, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183.205; s. 1999 a. 9; 13.93 (2) (b).

SECTION 3. 938.343 (2) of the statutes, as affected by 1999 Wisconsin Act 9, is

amended to read:

938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
 be imposed on an adult for committing that violation or, if the violation is only
 applicable to a person under 18 years of age, \$50. Any such order shall include a
 finding that the juvenile alone is financially able to pay and shall allow up to 12
 months for the payment. If a juvenile fails to pay the forfeiture, the court may
 suspend any license issued under ch. 29 or, ~~unless the forfeiture was imposed for~~
~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle,~~ may
 suspend the juvenile's operating privilege as defined in s. 340.01 (40), for not more
 than 2 years. The court shall immediately take possession of the suspended license,
 and forward it to the department which issued the license, together with the notice
 of suspension clearly stating that the suspension is for failure to pay a forfeiture
 imposed by the court. If the forfeiture is paid during the period of suspension, the
 court shall immediately notify the department, which will thereupon return the

if the juvenile was at least 15 years ^{and} 6 months of age at the time of the violation for which the forfeiture was ordered

1 license to the person. Any recovery under this subsection shall be reduced by the
2 amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

~~NOTE: NOTE: Sub (2) is shown as amended by 1997 Wis. Act 84 and 1999 Wis. Act 9, as merged by the Revisor under s. 13.93 (2) (c).NOTE:
History: 1995 a. 77, 352, 448; 1997 a. 84, 183, 197, 198, 205, 248; 1999 a. 9; s. 13.93 (2) (c).~~

3 **SECTION 4. Initial applicability.**

4 (1) This act first [✓] applies to forfeitures [✓] initially [✓] imposed on the effective date^{*}

5 (END)

of this subsection