

1999 DRAFTING REQUEST

Bill

Received: **02/15/2000**

Received By: **nelsorpl**

Wanted: **Soon**

Identical to LRB: -3428

For: **Suzanne Jeskewitz (608) 266-3796**

By/Representing: **Erin**

This file may be shown to any legislator: NO

Drafter: **nelsorpl**

May Contact:

Alt. Drafters:

Subject: **Courts - costs and fees**
Courts - miscellaneous

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Municipal court judgments and operating privileges suspension.

Instructions:

See 99-3428/P3

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reauired</u>
/?	nelsorp 1 02/15/2000	jgeller 02/16/2000		_____			S&L
/1			kfollet 02/16/2000	_____	lrb-docadmin 02/16/2000		S&L
12	nelsorp 1 02/23/2000	jgeller 02/23/2000	martykr 02/23/2000	_____	lrb-docadmin 02/23/2000	lrb-docadmin 02/23/2000	

FE Sent For:

124
3/7/00

<END>

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/?	nelsorp 1	1 2/15 jlg	2/16 KJF	KJF/Km 2/16			

FE Sent For:

<END>

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Regen

1 **AN ACT to amend** 345.47 (1) (intro.), 800.09 (1) (a), 800.09 (1) (c), 800.095 (2) (a)
2 (form), 800.095 (4) (a), 800.095 (4) (b) (intro.) and 800.095 (4) (c); and **to create**
3 345.47 (4) and 800.09 (3) of the statutes; **relating to:** payment of judgments in
4 traffic cases and in municipal court and the suspension of operating privileges.

Insert
Act

Analysis by the Legislative Reference Bureau

~~This is a preliminary draft. An analysis will be provided in a later version.~~

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

5 **SECTION 1.** 345.47 (1) (intro.)^X of the statutes, as affected by 1999 Wisconsin Act
6 9, is amended to read:

7 345.47 **(1)** (intro.) If the defendant is found guilty, the court may enter
8 judgment against the defendant for a monetary amount not to exceed the maximum
9 forfeiture, penalty assessment, if required by s. 757.05, the jail assessment, if
10 required by s. 302.46 (1), the railroad crossing improvement assessment, if required

1 by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug law
2 enforcement assessment, if required by s. 165.755, provided for the violation and for
3 costs under s. 345.53 and, in addition, may suspend or revoke his or her operating
4 privilege under s. 343.30. Upon entering judgment, the court shall notify the
5 defendant personally, if the defendant is present, and in writing that the defendant
6 should notify the court if he or she is unable to pay the judgment because of poverty,
7 as that term is used in s. 814.29 (1) (d). If the court, using the criteria in s. 814.29
8 (1) (d), determines that the defendant is unable to pay the judgment because of
9 poverty, the court may not suspend the defendant's operating privilege without first
10 providing the defendant with an opportunity to pay the judgment in instalments,
11 taking into account the defendant's income. If the judgment is not paid or if the
12 defendant fails to make any ordered instalment payment, the court shall order:

13 **SECTION 2.** 345.47 (4)^X of the statutes is created to read:

14 345.47 (4) (a) If the operating privilege of a defendant is suspended under this
15 section, the court may terminate that suspension and substitute an instalment
16 payment plan for paying the amount of the judgment that takes into account the
17 defendant's income.

18 (b) If the operating privilege of a defendant is suspended under this section, the
19 court shall terminate that suspension and substitute an instalment payment plan
20 for the payment of the amount of the judgment that takes into account the
21 defendant's income if all of the following conditions apply:

22 1. The defendant is unable to pay the judgment in full because of poverty, as
23 that term is used in s. 814.29 (1) (d).

1 2. The defendant has not previously failed to comply with an instalment
2 payment plan ordered under this section that takes into account the defendant's
3 income.

4 (c) If the defendant fails to comply with an instalment payment plan ordered
5 under this subsection, the court shall reinstate the suspension of the defendant's
6 operating privilege.

7 ^X
SECTION 3. 800.09 (1) (a) of the statutes, as affected by 1999 Wisconsin Act 9,
8 is amended to read:

9 800.09 (1) (a) The court may defer payment of any judgment or provide for
10 instalment payments. At the time the judgment is rendered, the court shall inform
11 the defendant, orally and in writing, of the date by which restitution and the
12 payment of the forfeiture, the penalty assessment, the jail assessment, the crime
13 laboratories and drug law enforcement assessment, any applicable consumer
14 information assessment and any applicable domestic abuse assessment plus costs
15 must be made, and of the possible consequences of failure to do so in timely fashion,
16 including imprisonment, as provided in s. 800.095, or suspension of the defendant's
17 motor vehicle operating privilege, as provided in par. (c), if applicable. In addition,
18 the court shall inform the defendant, orally and in writing, that if the defendant
19 cannot pay the judgment because of poverty, as that term is used in s. 814.29(1)(d),
20 the defendant should so notify the court. If the defendant notifies the court of his or
21 her poverty, the court may not order imprisonment or the suspension of the
22 defendant's operating privilege. If the defendant is not present, the court shall
23 ensure that the information is sent to the defendant by mail. In 1st class cities, all
24 of the written information required by this paragraph shall be printed in English and
25 Spanish and provided to each defendant.

1' SECTION 4. 800.09 (1) (c) of the statutes is amended to read:

2 800.09 (1) (c) The court may suspend the defendant's operating privilege, as
3 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments
4 and costs are paid, if the defendant has not done so within 60 days after the date the
5 restitution or payments or both are to be made under par. (a) and has not notified the
6 court that he or she is unable to comply with the judgment, as provided under s.
7 ~~800.095 (4)~~ par. (a), except that the suspension period may not exceed 5 years. The
8 court shall take possession of the suspended license and shall forward the license,
9 along with a notice of the suspension clearly stating that the suspension is for failure
10 to comply with a judgment of the court, to the department of transportation.

11 SECTION 5. 800.09 (3) of the statutes is created to read:

12 800.09 (3) JUDGMENT REGARDING OPERATING PRIVILEGE. (a) If the operating
13 privilege of a defendant is suspended under this section or s. 800.095, the court may
14 terminate that suspension and substitute an instalment payment plan for paying
15 the amount of the judgment that takes into account the defendant's income.

16 (b) If the operating privilege of a defendant is suspended under this section or
17 s. 800.095, the court shall terminate that suspension and substitute an instalment
18 payment plan for the payment of the amount of the judgment that takes into account
19 the defendant's income if all of the following conditions apply:

20 1. The defendant is unable to pay the judgment in full because of poverty, as
21 that term is used in s. 814.29 (1) (d).

22 2. The defendant has not previously failed to comply with an instalment
23 payment plan ordered under this section that takes into account the defendant's
24 income.

1 (c) If the defendant fails to comply with an instalment payment plan ordered
2 under this subsection, the court shall reinstate the suspension of the defendant's
3 operating privilege.

4 **SECTION 6. 800.095 (2) (a) (form)** ^X of the statutes is amended to read:

5 800.095 (2) (a) (form):

6 STATE OF WISCONSIN

7 City/Village/Town

8 State of Wisconsin

9 vs.

10 Defendant(s)

11 THE STATE OF WISCONSIN TO THE DEFENDANT

12 A judgment, a copy of which is attached, has been entered against you for
13 (restitution and) the payment of a civil forfeiture. You were ordered by the court on
14 (year) to (make the following payments:) (perform the following community
15 service work order: . . .) (make the following restitution: . . .).

16 You have failed to comply with that order.

17 YOU ARE THEREFORE ORDERED to appear before the Honorable in
18 Courtroom, at the Courthouse, in the City/Town/Village of at a.m./p.m. TO
19 SHOW THAT YOU ARE UNABLE TO (PAY THE FORFEITURE OR MAKE
20 RESTITUTION FOR GOOD CAUSE OR BECAUSE OF YOUR ~~INDIGENCE~~
21 POVERTY) (TO COMPLY WITH THE COMMUNITY SERVICE WORK ORDER
22 FOR GOOD CAUSE). If (good cause or your ~~indigence~~ poverty has prevented you
23 from paying the forfeiture or making restitution) (good cause has prevented you from
24 complying with the community service work order), the court will modify the order.

1 IF YOU FAIL TO APPEAR AT THE TIME AND PLACE DESIGNATED
2 ABOVE, AN ORDER FOR COMMITMENT SHALL BE ISSUED AND YOU WILL
3 BE IMPRISONED IN THE JAIL/HOUSE OF CORRECTIONS. IN ADDITION, AN
4 ORDER MAY BE ISSUED TO SUSPEND YOUR MOTOR VEHICLE OPERATING
5 PRIVILEGE.

6 Dated: (year)

7 Signature:....

8 (Municipal Court Judge)

9 **SECTION 7.** 800.095 (4) (a)^x of the statutes is amended to read:

10 800.095 (4) (a) If the defendant appears before the court pursuant to a warrant
11 or summons issued under sub. (1) or the defendant otherwise notifies the court that
12 he or she is unable to comply with the judgment or community service work order,
13 the court shall conduct a hearing. If the defendant failed to pay the forfeiture, make
14 restitution or comply with the work order, the court shall determine if the defendant
15 is unable to comply with the judgment for good cause or because of the defendant's
16 ~~indigence poverty, as that term is used in s. 814.29 (1) (d),~~ or is unable to comply with
17 the work order for good cause.

18 **SECTION 8.** 800.095 (4) (b) (intro.) of the statutes is amended to read:

19 800.095 (4) (b) (intro.) If the defendant fails to appear before the court for a
20 hearing conducted under par. (a) or if the court determines at a hearing under par.
21 (a) that the failure of the defendant to comply with the judgment is not for good cause
22 or because of the defendant's ~~indigence poverty, as that term is used in s. 814.29 (1)~~
23 ~~(d),~~ or that the failure of the defendant to comply with the work order is not for good
24 cause, the court shall order one of the following:

25 **SECTION 9.** 800.095 (4) (c) of the statutes is amended to read:

insert anl:

Currently, if a person is found guilty of violating a traffic regulation, the court may enter judgment against the defendant for the forfeiture and for any applicable assessments, such as a penalty assessment. In addition, the court may suspend or revoke the person's operating privilege for a period not exceeding one year. This bill requires the court, when entering judgment, to tell the defendant, or to notify the defendant if he or she is not present in court, that he or she should notify the court if he or she is unable to pay the judgment because of poverty. The bill requires the court to determine if the defendant is unable to pay the judgment because of poverty, and if so, to give the defendant the opportunity to pay the judgment in instalments, based on the defendant's income.

Under current law, if a defendant is found guilty in municipal court of an ordinance violation, the court orders the defendant to pay a forfeiture, restitution and applicable assessments and informs the defendant of the date ~~when~~ the judgment must be paid and of the penalties of failure to pay the judgment, including imprisonment and operating privilege suspension. The bill requires the court to also notify the defendant at the time the judgment is rendered that, if the defendant cannot pay the judgment because of poverty, he or she should notify the court.

No. 11 If a judgment is not paid, current law allows the ^{municipal} court to defer payments, provide for instalment payments of the judgment, allow the defendant to perform community service in lieu of paying the judgment, suspend the defendant's operating privilege or imprison the defendant for up to 90 days. This bill prohibits the judge from ordering the defendant imprisoned or the suspension of the defendant's operating privilege if the defendant has notified the ^{municipal} court of his or her poverty.

five Currently, a person found guilty of violating a traffic regulation or ordinance who fails to pay the ordered judgment may be imprisoned for-up to 90 days or may have his or her operating privilege suspended for 30 days or until the judgment is paid, but not to exceed 5 years. Under this bill, the court may terminate the ordered operating privilege suspension and substitute an instalment plan for the payment of the judgment. The bill requires the court to terminate the ordered operating privilege suspension and substitute an instalment plan for the payment of the judgment if the defendant is unable to pay the judgment because of poverty and the defendant has not previously failed to comply with a court-ordered instalment plan.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

1

2

insert 4-10:

3

SECTION 1. 800.09 (1) (c) of the statutes, as affected by 1999 Wisconsin Act 9,

4

is amended to read:

on which
5
comment

X

1 800.09 (1) (c) The court may suspend the defendant’s operating privilege, as
 2 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments
 3 and costs are paid, if the defendant has not done so within 60 days after the date the
 4 restitution or payments or both are to be made under par. (a) and has not notified the
 5 court that he or she is unable to comply with the judgment, as provided under ~~s.~~
 6 ~~800.095 (4)~~ par.[✓] (a), except that the suspension period may not exceed 5 years. The
 7 court shall take possession of the suspended license and shall forward the license,
 8 along with a notice of the suspension clearly stating that the suspension is for failure
 9 to comply with a judgment of the court, to the department of transportation. This
 10 paragraph does not apply if the forfeiture is assessed for violation of an ordinance
 11 that is unrelated to the violator’s operation of a motor vehicle.

NOTE: NOTE: Par. (c) is amended eff. 5-1-01 or the date stated in the notice published by the secretary of transportation in the Wisconsin Administrative Register under s. 85.515, whichever is earlier, by 1997 Wis. Act 84, as affected by 1999 Wis. Act 9, ss. 3080mg and 3263, and as merged by the Revisor under s. 13.93 (2) (c) to read:NOTE:

12 (c) The court may suspend the defendant’s operating privilege, as defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments and costs are
 13 paid, if the defendant has not done so within 60 days after the date the restitution or payments or both are to be made under par. (a) and has not notified the court that
 14 he or she is unable to comply with the judgment, as provided under s. 800.095 (4) (a), except that the suspension period may not exceed 2 years. The court shall take
 15 possession of the suspended license and shall forward the license, along with a notice of the suspension clearly stating that the suspension is for failure to comply with
 16 a judgment of the court, to the department of transportation. This paragraph does not apply if the forfeiture is assessed for violation of an ordinance that is unrelated
 17 to the violator’s operation of a motor vehicle.

History: 1977 c. 305; 1979 c. 32 s. 68; Stats. 1979 s. 800.09; 1981 c. 317; 1985 a. 179; 1987 a. 27, 389; 1987 a. 399 s. 494u; 1989 a. 107; 1991 a. 39.40.189; 1993 a. 16; 1997 a. 27, 84; 1999 a. 9; s. 13.93 (2) (c).

In the analysis of LRB 4552/1, we were concerned that it appears that a judge may never suspend a drivers license or sentence someone to jail time if the defendant proves poverty and agrees to the payment plan. But, if someone proves poverty and agrees to the payment plan, but defaults on the payments, then the judge may (and most likely will) suspend the license **and/or** sentence someone to jail time. The payment plan is a one time only deal and once someone defaults on the payments, the payment plan is no longer an option. Possibly this clarification would be appropriate at the end of the second paragraph. (Before the paragraph that begins, “Currently, a person.. .“).

Could you please let me know if this clarification would be possible or not?

Thank you,
Erin Bilot
Office of Rep. Jeskewitz



2

1999 BILL

Regen

1 AN ACT *to* amend 345.47 (1) (intro.), 800.09 (1) (a), 800.09 (1) (c), 800.095 (2) (a)
2 (form), 800.095 (4) (a), 800.095 (4) (b) (intro.) and 800.095 (4) (c); and *to create*
3 345.47 (4) and 800.09 (3) of the statutes; **relating to:** payment of judgments in
4 traffic cases and in municipal court and the suspension of operating privileges.

Analysis by the Legislative Reference Bureau

Currently, if a person is found guilty of violating a traffic regulation, the court may enter judgment against the defendant for the forfeiture and for any applicable assessments, such as a penalty assessment. In addition, the court may suspend or revoke the person's operating privilege for a period not exceeding one year. This bill requires the court, when entering judgment, to tell the defendant, or to notify the defendant if he or she is not present in court, that he or she should notify the court if he or she is unable to pay the judgment because of poverty. The bill requires the court to determine if the defendant is unable to pay the judgment because of poverty, and if so, to give the defendant the opportunity to pay the judgment in instalments, based on the defendant's income.

Under current law, if a defendant is found guilty in municipal court of an ordinance violation, the court orders the defendant to pay a forfeiture, restitution and applicable assessments and informs the defendant of the date on which the judgment must be paid and of the penalties of failure to pay the judgment, including imprisonment and operating privilege suspension. The bill requires the municipal court to also notify the defendant at the time the judgment is rendered that, if the defendant cannot pay the judgment because of poverty, he or she should notify the

BILL

to pay the judgment in instalments or to perform community service work

court. If a judgment is not paid, current law allows the municipal court to defer payments, provide for instalment payments of the judgment, allow the defendant to perform community service in lieu of paying the judgment, suspend the defendant's operating privilege or imprison the defendant for up to 90 days. This bill prohibits the judge from ordering the defendant imprisoned or the suspension of the defendant's operating privilege if the defendant has notified the municipal court of his or her poverty *unless the defendant fails to comply with the court order*

Currently, a person found guilty of violating a traffic regulation or ordinance who fails to pay the ordered judgment may be imprisoned for up to 90 days or may have his or her operating privilege suspended for 30 days or until the judgment is paid, but not to exceed five years. Under this bill, the court may terminate the ordered operating privilege suspension and substitute an instalment plan for the payment of the judgment. The bill requires the court to terminate the ordered operating privilege suspension and substitute an instalment plan for the payment of the judgment if the defendant is unable to pay the judgment because of poverty and the defendant has not previously failed to comply with a court-ordered instalment plan.

For further information see the *state* and local fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 345.47 (1) (intro.) of the statutes, as affected by 1999 Wisconsin Act
2 9, is amended to read:

3 345.47 (1) (intro.) If the defendant is found guilty, the court may enter
4 judgment against the defendant for a monetary amount not to exceed the maximum
5 forfeiture, penalty assessment, if required by s. 757.05, the jail assessment, if
6 required by s. 302.46 (1), the railroad crossing improvement assessment, if required
7 by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug law
8 enforcement assessment, if required by s. 165.755, provided for the violation and for
9 costs under s. 345.53 and, in addition, may suspend or revoke his or her operating
10 privilege under s. 343.30. Upon entering judgment, the court shall notify the
11 defendant personally, if the defendant is nresent, and in writing that the defendant
12 should notify the court if he or she is unable to nav the judgment because of noverty.

BILL

1 as that term is used in s. 814.29 (1)(d). If the court, using the criteria in s. 814.29
2 (1)(d), determines that the defendant is unable to pay the judgment because of
3 poverty, the court may not suspend the defendant's operating privilege without first
4 providing the defendant with an opportunity to pay the judgment in instalments,
5 taking into account the defendant's income. If the judgment is not paid or if the
6 defendant fails to make any ordered instalment payment, the court shall order:

7 **SECTION 2.** 345.47 (4) of the statutes is created to read:

8 345.47 (4) (a) If the operating privilege of a defendant is suspended under this
9 section, the court may terminate that suspension and substitute an instalment
10 payment plan for paying the amount of the judgment that takes into account the
11 defendant's income.

12 (b) If the operating privilege of a defendant is suspended under this section, the
13 court shall terminate that suspension and substitute an instalment payment plan
14 for the payment of the amount of the judgment that takes into account the
15 defendant's income if all of the following conditions apply:

16 1. The defendant is unable to pay the judgment in full because of poverty, as
17 that term is used in s. 814.29 (1) (d).

18 2. The defendant has not previously failed to comply with an instalment
19 payment plan ordered under this section that takes into account the defendant's
20 income.

21 (c) If the defendant fails to comply with an instalment payment plan ordered
22 under this subsection, the court shall reinstate the suspension of the defendant's
23 operating privilege.

24 **SECTION 3.** 800.09 (1) (a) of the statutes, as affected by 1999 Wisconsin Act 9,
25 is amended to read:

BILL**SECTION 3**

1 800.09 (1) (a) The court may defer payment of any judgment or provide for
 2 instalment payments. At the time the judgment is rendered, the court shall inform
 3 the defendant, orally and in writing, of the date by which restitution and the
 4 payment of the forfeiture, the penalty assessment, the jail assessment, the crime
 5 laboratories and drug law enforcement assessment, any applicable consumer
 6 information assessment and any applicable domestic abuse assessment plus costs
 7 must be made, and of the possible consequences of failure to do so in timely fashion,
 8 including imprisonment, as provided in s. 800.095, or suspension of the defendant's
 9 motor vehicle operating privilege, as provided in par. (c), if applicable. In addition,
 10 the court shall inform the defendant, orally and in writing, that if the defendant
 11 cannot pay the judgment because of novertv, as that term is used in s. 814.29 (1) (d),
 12 the defendant should so notify the court. If the defendant notifies the court of his or
 13 her novertv, the court may not order inmrisonment or the susnension of the
 14 defendant's operating nrivileae. *, except as provided in s. 800.095 ✓* If the defendant is not present, the court shall
 15 ensure that the information is sent to the defendant by mail. In 1st class cities, all
 16 of the written information required by this paragraph shall be printed in English and
 17 Spanish and provided to each defendant.

18 **SECTION 4.** 800.09 (1) (c) of the statutes, as affected by 1999 Wisconsin Act 9,
 19 is amended to read:

20 800.09 (1) (c) The court may suspend the defendant's operating privilege, as
 21 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments
 22 and costs are paid, if the defendant has not done so within 60 days after the date the
 23 restitution or payments or both are to be made under par. (a) and has not notified the
 24 court that he or she is unable to comply with the judgment, as provided under ~~s.~~
 25 ~~800.095 (4) par.~~ (a), except that the suspension period may not exceed 5 years. The

BILL

1 court shall take possession of the suspended license and shall forward the license,
2 along with a notice of the suspension clearly stating that the suspension is for failure
3 to comply with a judgment of the court, to the department of transportation. This
4 paragraph does not apply if the forfeiture is assessed for violation of an ordinance
5 that is unrelated to the violator's operation of a motor vehicle.

6 **SECTION 5.** 800.09 (3) of the statutes is created to read:

7 **800.09 (3) JUDGMENT REGARDING OPERATING PRIVILEGE.** (a) If the operating
8 privilege of a defendant is suspended under this section or s. 800.095, the court may
9 terminate that suspension and substitute an instalment payment plan for paying
10 the amount of the judgment that takes into account the defendant's income.

11 (b) If the operating privilege of a defendant is suspended under this section or
12 s. 800.095, the court shall terminate that suspension and substitute an instalment
13 payment plan for the payment of the amount of the judgment that takes into account
14 the defendant's income if all of the following conditions apply:

15 1. The defendant is unable to pay the judgment in full because of poverty, as
16 that term is used in s. 81'4.29 (1) (d).

17 2. The defendant has not previously failed to comply with an instalment
18 payment plan ordered under this section that takes into account the defendant's
19 income.

20 (c) If the defendant fails to comply with an instalment payment plan ordered
21 under this subsection, the court shall reinstate the suspension of the defendant's
22 operating privilege.

23 **SECTION 6.** 800.095 (2) (a) (form) of the statutes is amended to read:

24 **800.095 (2) (a) (form):**

25 STATE OF WISCONSIN

BILL

1 City/Village/Town

2 State of Wisconsin

3 vs.

4 Defendant(s)

5 THE STATE OF WISCONSIN TO THE DEFENDANT

6 A judgment, a copy of which is attached, has been entered against you for
7 (restitution and) the payment of a civil forfeiture. You were ordered by the court on
8 (year) to (make the following payments:) (perform the following community
9 service work order: . . .> (make the following restitution: . . .>.

10 You have failed to comply with that order.

11 YOU ARE THEREFORE ORDERED to appear before the Honorable in
12 Courtroom, at the Courthouse, in the City/Town/Village of at a.m./p.m. TO
13 SHOW THAT YOU ARE UNABLE TO (PAY THE FORFEITURE OR MAKE
14 RESTITUTION FOR GOOD CAUSE OR BECAUSE OF YOUR ~~INDIGENCE~~
15 POVERTY) (TO COMPLY WITH THE COMMUNITY SERVICE WORK ORDER
16 FOR GOOD CAUSE). If (good cause or your ~~indigence~~ poverty has prevented you
17 from paying the forfeiture or making restitution) (good cause has prevented you from
18 complying with the community service work order), the court will modify the order.

19 IF YOU FAIL TO APPEAR AT THE TIME AND PLACE DESIGNATED
20 ABOVE, AN ORDER FOR COMMITMENT SHALL BE ISSUED AND YOU WILL
21 BE IMPRISONED IN THE JAIL/HOUSE OF CORRECTIONS. IN ADDITION, AN
22 ORDER MAY BE ISSUED TO SUSPEND YOUR MOTOR VEHICLE OPERATING
23 PRIVILEGE.

24 Dated: (year)

25 Signature:.....

BILL

(Municipal Court Judge)

SECTION 7. 800.095 (4) (a) of the statutes is amended to read:

800.095 (4) (a) If the defendant appears before the court pursuant to a warrant or summons issued under sub. (1) or the defendant otherwise notifies the court that he or she is unable to comply with the judgment or community service work order, the court shall conduct a hearing. If the defendant failed to pay the forfeiture, make restitution or comply with the work order, the court shall determine if the defendant is unable to comply with the judgment for good cause or because of the defendant's ~~indigence~~ poverty, as that term is used in s. 814.29 (1)(d), or is unable to comply with the work order for good cause.

SECTION 8. 800.095 (4) (b) (intro.) of the statutes is amended to read:

800.095 (4) (b) (intro.) If the defendant fails to appear before the court for a hearing conducted under par. (a) or if the court determines at a hearing under par. (a) that the failure of the defendant to comply with the judgment is not for good cause or because of the defendant's ~~indigence~~ poverty, as that term is used in s. 814.29 (1)(d), or that the failure of the defendant to comply with the work order is not for good cause, the court shall order one of the following:

SECTION 9. 800.095 (4) (c) of the statutes is amended to read:

800.095 (4) (c) If the court determines that the failure of the defendant to comply with the judgment is for good cause or because of the defendant's ~~indigence~~ poverty, as that term is used in s. 814.29 (1)(d), or that the failure of the defendant to comply with the work order is for good cause, the court may enter an order under par. (b) 2. or 3.

SECTION 10. Initial applicability.

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 02/23/2000

To: Representative Jeskewitz

Relating to LRB drafting number: LRB-4552

Topic

Municipal court judgments and operating privileges suspension.

Subject(s)

Courts - costs and fees, Courts - miscellaneous

1. **JACKET** the draft for introduction

Erin Bulot

in **the Senate** or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the **LRB's** drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-356 1. If you have any questions relating to the attached draft, please feel free to call me.

Robert P. Nelson, Senior Legislative Attorney
Telephone: (608) 267-75 11