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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0063/2dn  
RNK:cmh:hmh

Wednesday, February 3, 1999

This draft reconciles LRB-0063/1 and LRB-1265/5. Both LRB-0063 and LRB-1265 should continue to appear in the compiled bill.

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0063/2

MGG&RNK:pk&cmh&jlg:hmh

DOA:.....Justus - Consumer information assessment

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**COURTS AND PROCEDURE**

**OTHER COURTS AND PROCEDURE**

Under current law, the department of agriculture, trade and consumer protection (DATCP) administers, investigates and enforces certain consumer protection and trade practices laws and prosecutes violations of these laws. These laws include laws prohibiting or regulating methods of competition, fraudulent representations, fraudulent drug advertising, prize notices, mail-order sales, purchases of vegetables and dairy products from farmers and advertising of telecommunication services. A person found to have violated one of these laws is subject to a forfeiture or a fine.

Under current law, a person is subject to a forfeiture if he or she violates a law relating to weights and measures. These include laws against obstructing or hindering a state or local inspector of weights or measures, causing any weight or measure used in the buying or selling of a commodity to be incorrect and removing an official weights and measures inspector's tag from a commodity. If the violation is intentional, the person is subject to a fine.

This bill requires a court to impose an assessment equal to 15% of the fine or forfeiture if the court imposes a fine or forfeiture for a violation of any of these laws or local ordinances enacted pursuant to these laws. The assessments that are collected are deposited in an appropriation to DATCP to pay for providing consumers with information and education.

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

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

1           **SECTION 1.** 20.115 (1) (jb) of the statutes is created to read:

2           20.115 (1) (jb) *Consumer information and education.* The amounts in the  
3 schedule for consumer protection information and education. All moneys received  
4 under s. 100.261 shall be credited to this appropriation account.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 2.** 59.25 (3) (f) 2. of the statutes is amended to read:

6           59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be  
7 deposited in the state treasury, the amounts required by s. ~~165.87~~ 757.05 for the  
8 penalty assessment surcharge, the amounts required by s. 165.755 for the crime  
9 laboratories and drug law enforcement assessment, the amounts required by s.  
10 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the  
11 crime victim and witness assistance surcharge, the amounts required by s. 938.34  
12 (8d) for the delinquency victim and witness assistance surcharge, the amounts  
13 required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts  
14 required by s. 961.41 (5) for the drug abuse program improvement surcharge, the  
15 amounts required by s. 100.261 for the consumer information assessment, the  
16 amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the  
17 domestic abuse assessment, the amounts required by s. 253.06 (4) (c) for the  
18 enforcement assessment under the supplemental food program for women, infants  
19 and children, the amounts required by ss. 346.177, 346.495 and 346.65 (4r) for the  
20 railroad crossing improvement assessment, the amounts required by s. 346.655 (2)

1 (a) and (b) for the driver improvement surcharge, the amounts required by s. 102.85  
2 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the  
3 environmental assessment, the amounts required by s. 29.983 for the wild animal  
4 protection assessment, the amounts required by s. 29.987 for the natural resources  
5 assessment surcharge, the amounts required by s. 29.985 for the fishing shelter  
6 removal assessment, the amounts required by s. 350.115 for the snowmobile  
7 registration restitution payment and the amounts required by s. 29.989 for natural  
8 resources restitution payments, transmit to the state treasurer a statement of all  
9 moneys required by law to be paid on the actions entered during the preceding month  
10 on or before the first day of the next succeeding month, certified by the county  
11 treasurer's personal signature affixed or attached thereto, and at the same time pay  
12 to the state treasurer the amount thereof.

\*\*\*NOTE: This is reconciled s. 59.25 (3) (f) 2. This SECTION has been affected by  
drafts with the following LRB numbers: 0063/1 and 1265/5.

13 **SECTION 3.** 59.40 (2) (m) of the statutes is amended to read:

14 59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's  
15 percentage of the fees required to be paid on each civil action, criminal action and  
16 special proceeding filed during the preceding month and pay monthly to the  
17 treasurer for the use of the state the percentage of court imposed fines and forfeitures  
18 required by law to be deposited in the state treasury, the amounts required by s.  
19 ~~165.87 (2) (b)~~ 757.05 for the penalty assessment surcharge, the amounts required by  
20 s. 165.755 for the crime laboratories and drug law enforcement assessment, the  
21 amounts required by s. 167.31 (5) for the weapons assessment, the amounts required  
22 by s. 973.045 for the crime victim and witness assistance surcharge, the amounts  
23 required by s. 938.34 (8d) for the delinquency victim and witness assistance

1 surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis  
2 surcharge, the amounts required by s. 961.41 (5) for the drug abuse program  
3 improvement surcharge, the amounts required by s. 100.261 for the consumer  
4 information assessment, the amounts authorized by s. 971.37 (1m) (c) 1. or required  
5 by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by  
6 s. 253.06 (4) (c) for the enforcement assessment under the supplemental food  
7 program for women, infants and children, the amounts required by ss. 346.177,  
8 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the  
9 amounts required by s. 346.655 for the driver improvement surcharge, the amounts  
10 required by s. 102.85 (4) for the uninsured employer assessment, the amounts  
11 required by s. 299.93 for the environmental assessment, the amounts required under  
12 s. 29.983 for the wild animal protection assessment, the amounts required under s.  
13 29.987 (1) (d) for the natural resources assessment surcharge, the amounts required  
14 by s. 29.985 for the fishing shelter removal assessment, the amounts required by s.  
15 350.115 for the snowmobile registration restitution payment and the amounts  
16 required under s. 29.989 (1) (d) for the natural resources restitution payments. The  
17 payments shall be made by the 15th day of the month following receipt thereof.

\*\*\*\*NOTE: This is reconciled s. 59.40 (2) (m). This SECTION has been affected by  
drafts with the following LRB numbers: 0063/1 and 1265/5.

18 **SECTION 4.** 66.119 (1) (b) 7. c. of the statutes is amended to read:

19 66.119 (1) (b) 7. c. That if the alleged violator makes a cash deposit and does  
20 not appear in court, he or she either will be deemed to have tendered a plea of no  
21 contest and submitted to a forfeiture, a penalty assessment imposed by s. ~~165.87~~  
22 757.05, a jail assessment imposed by s. 302.46 (1), a crime laboratories and drug law  
23 enforcement assessment imposed by s. 165.755, any applicable consumer

1 information assessment imposed by s. 100.261 and any applicable domestic abuse  
2 assessment imposed by s. 973.055 (1) not to exceed the amount of the deposit or will  
3 be summoned into court to answer the complaint if the court does not accept the plea  
4 of no contest.

\*\*\*\*NOTE: This is reconciled s. 66.119 (1) (b) 7. c. This SECTION has been affected  
by drafts with the following LRB numbers: 0063/1 and 1265/5.

5 **SECTION 5.** 66.119 (1) (b) 7. d. of the statutes is amended to read:

6 66.119 (1) (b) 7. d. That if the alleged violator does not make a cash deposit and  
7 does not appear in court at the time specified, the court may issue a summons or a  
8 warrant for the defendant's arrest or consider the nonappearance to be a plea of no  
9 contest and enter judgment under sub. (3) (d), or the municipality may commence an  
10 action against the alleged violator to collect the forfeiture, the penalty assessment  
11 imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime  
12 laboratories and drug law enforcement assessment imposed by s. 165.755, any  
13 applicable consumer information assessment imposed by s. 100.261 and any  
14 applicable domestic abuse assessment imposed by s. 973.055 (1).

\*\*\*\*NOTE: This is reconciled s. 66.119 (1) (b) 7. d. This SECTION has been affected by  
drafts with the following LRB numbers: 0063/1 and 1265/5.

15 **SECTION 6.** 66.119 (1) (c) of the statutes is amended to read:

16 66.119 (1) (c) An ordinance adopted under par. (a) shall contain a schedule of  
17 cash deposits that are to be required for the various ordinance violations, and for the  
18 penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s.  
19 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by  
20 s. 165.755, any applicable consumer information assessment imposed by s. 100.261  
21 and any applicable domestic abuse assessment imposed by s. 973.055 (1), for which  
22 a citation may be issued. The ordinance shall also specify the court, clerk of court

1 or other official to whom cash deposits are to be made and shall require that receipts  
2 be given for cash deposits.

\*\*\*NOTE: This is reconciled s. 66.119 (1) (c). This SECTION has been affected by  
drafts with the following LRB numbers: 0063/1 and 1265/5.

3 **SECTION 7.** 66.119 (3) (a) of the statutes is amended to read:

4 66.119 (3) (a) The person named as the alleged violator in a citation may appear  
5 in court at the time specified in the citation or may mail or deliver personally a cash  
6 deposit in the amount, within the time and to the court, clerk of court or other official  
7 specified in the citation. If a person makes a cash deposit, the person may  
8 nevertheless appear in court at the time specified in the citation, provided that the  
9 cash deposit may be retained for application against any forfeiture, restitution,  
10 penalty assessment, jail assessment, crime laboratories and drug law enforcement  
11 assessment ~~or, consumer information assessment or domestic abuse assessment~~ that  
12 may be imposed.

13 **SECTION 8.** 66.119 (3) (b) of the statutes is amended to read:

14 66.119 (3) (b) If a person appears in court in response to a citation, the citation  
15 may be used as the initial pleading, unless the court directs that a formal complaint  
16 be made, and the appearance confers personal jurisdiction over the person. The  
17 person may plead guilty, no contest or not guilty. If the person pleads guilty or no  
18 contest, the court shall accept the plea, enter a judgment of guilty and impose a  
19 forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment  
20 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement  
21 assessment imposed by s. 165.755, any applicable consumer information assessment  
22 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.  
23 973.055 (1). If the court finds that the violation meets the conditions in s. 800.093

1 (1), the court may order restitution under s. 800.093. A plea of not guilty shall put  
2 all matters in the case at issue, and the matter shall be set for trial.

\*\*\*\*NOTE: This is reconciled s. 66.119 (3) (b). This SECTION has been affected by  
drafts with the following LRB numbers: 0063/1 and 1265/5.

3 **SECTION 9.** 66.119 (3) (c) of the statutes is amended to read:

4 66.119 (3) (c) If the alleged violator makes a cash deposit and fails to appear  
5 in court, the citation may serve as the initial pleading and the violator shall be  
6 considered to have tendered a plea of no contest and submitted to a forfeiture, the  
7 penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s.  
8 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by  
9 s. ~~165.755~~, any applicable consumer information assessment imposed by s. 100.261  
10 and any applicable domestic abuse assessment imposed by s. 973.055 (1) not  
11 exceeding the amount of the deposit. The court may either accept the plea of no  
12 contest and enter judgment accordingly or reject the plea. If the court finds the  
13 violation meets the conditions in s. 800.093 (1), the court may summon the alleged  
14 violator into court to determine if restitution shall be ordered under s. 800.093. If  
15 the court accepts the plea of no contest, the defendant may move within 10 days after  
16 the date set for the appearance to withdraw the plea of no contest, open the judgment  
17 and enter a plea of not guilty if the defendant shows to the satisfaction of the court  
18 that the failure to appear was due to mistake, inadvertence, surprise or excusable  
19 neglect. If the plea of no contest is accepted and not subsequently changed to a plea  
20 of not guilty, no costs or fees may be taxed against the violator, but a penalty  
21 assessment, a jail assessment, a crime laboratories and drug law enforcement  
22 assessment and, if applicable, a consumer information assessment or a domestic  
23 abuse assessment shall be assessed. If the court rejects the plea of no contest, an



1 action for collection of the forfeiture, penalty assessment, jail assessment, crime  
2 laboratories and drug law enforcement assessment, any applicable information  
3 assessment and any applicable domestic abuse assessment may be commenced. A  
4 city, village, town sanitary district or public inland lake protection and rehabilitation  
5 district may commence action under s. 66.12 (1) and a county or town may commence  
6 action under s. 778.10. The citation may be used as the complaint in the action for  
7 the collection of the forfeiture, penalty assessment, jail assessment, crime  
8 laboratories and drug law enforcement assessment, any applicable consumer  
9 information assessment and any applicable domestic abuse assessment.

\*\*\*\*NOTE: This is reconciled s. 66.119 (3) (c). This SECTION has been affected by  
drafts with the following LRB numbers: 0063/1 and 1265/5.

10 **SECTION 10.** 66.119 (3) (d) of the statutes is amended to read:

11 66.119 (3) (d) If the alleged violator does not make a cash deposit and fails to  
12 appear in court at the time specified in the citation, the court may issue a summons  
13 or warrant for the defendant's arrest or consider the nonappearance to be a plea of  
14 no contest and enter judgment accordingly if service was completed as provided  
15 under par. (e) or the county, town, city, village, town sanitary district or public inland  
16 lake protection and rehabilitation district may commence an action for collection of  
17 the forfeiture, penalty assessment, jail assessment and crime laboratories and drug  
18 law enforcement assessment, any applicable consumer information assessment and  
19 any applicable domestic abuse assessment. A city, village, town sanitary district or  
20 public inland lake protection and rehabilitation district may commence action under  
21 s. 66.12 (1) and a county or town may commence action under s. 778.10. The citation  
22 may be used as the complaint in the action for the collection of the forfeiture, penalty  
23 assessment, jail assessment and crime laboratories and drug law enforcement

1 assessment, any applicable consumer information assessment and any applicable  
2 domestic abuse assessment. If the court considers the nonappearance to be a plea  
3 of no contest and enters judgment accordingly, the court shall promptly mail a copy  
4 or notice of the judgment to the defendant. The judgment shall allow the defendant  
5 not less than 20 days from the date of the judgment to pay any forfeiture, penalty  
6 assessment, jail assessment and crime laboratories and drug law enforcement  
7 assessment, any applicable consumer information assessment and any applicable  
8 domestic abuse assessment imposed. If the defendant moves to open the judgment  
9 within 6 months after the court appearance date fixed in the citation, and shows to  
10 the satisfaction of the court that the failure to appear was due to mistake,  
11 inadvertence, surprise or excusable neglect, the court shall reopen the judgment,  
12 accept a not guilty plea and set a trial date.

13 **SECTION 11.** 66.12 (1) (b) of the statutes is amended to read:

14 66.12 (1) (b) Local ordinances, except as provided in this paragraph or ss.  
15 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any  
16 or all violations under those ordinances, and may designate the manner in which the  
17 stipulation is to be made and fix the penalty to be paid. When a person charged with  
18 a violation for which stipulation of guilt or no contest is authorized makes a timely  
19 stipulation and pays the required penalty and pays the penalty assessment imposed  
20 by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime  
21 laboratories and drug law enforcement assessment imposed by s. 165.755, any  
22 applicable consumer information assessment imposed by s. 100.261 and any  
23 applicable domestic abuse assessment imposed by s. 973.055 (1) to the designated  
24 official, the person need not appear in court and no witness fees or other additional  
25 costs may be taxed unless the local ordinance so provides. A court appearance is

1 required for a violation of a local ordinance in conformity with s. 346.63 (1). The  
2 official receiving the penalties shall remit all moneys collected to the treasurer of the  
3 city, village, town sanitary district or public inland lake protection and rehabilitation  
4 district in whose behalf the sum was paid, except that all jail assessments shall be  
5 remitted to the county treasurer, within 20 days after its receipt by him or her; and  
6 in case of any failure in the payment, the treasurer may collect the payment of the  
7 officer by action, in the name of the office, and upon the official bond of the officer,  
8 with interest at the rate of 12% per year from the time when it should have been paid.  
9 In the case of the penalty assessment imposed by s. ~~165.87~~ 757.05, the crime  
10 laboratories and drug law enforcement assessment imposed by s. 165.755, the driver  
11 improvement surcharge imposed by s. 346.655 (1), any applicable consumer  
12 information assessment imposed by s. 100.261 and any applicable domestic abuse  
13 assessment imposed by s. 973.055 (1), the treasurer of the city, village, town sanitary  
14 district or public inland lake protection and rehabilitation district shall remit to the  
15 state treasurer the sum required by law to be paid on the actions so entered during  
16 the preceding month on or before the first day of the next succeeding month. The  
17 governing body of the city, village, town sanitary district or public inland lake  
18 protection and rehabilitation district shall by ordinance designate the official to  
19 receive the penalties and the terms under which the official shall qualify.

\*\*\*\*NOTE: This is reconciled s. 66.12 (1)(b). This SECTION has been affected by drafts  
with the following LRB numbers: 0063/1 and 1265/5.

20 **SECTION 12.** 100.261 of the statutes is created to read:

21 **100.261 Consumer information assessment. (1)** If a court imposes a fine  
22 or forfeiture for a violation of this chapter, ch. 98, a rule promulgated under this  
23 chapter or ch. 98 or an ordinance enacted under this chapter or ch. 98, the court shall

1 also impose a consumer information assessment in an amount equal to 15% of the  
2 fine or forfeiture imposed. If multiple violations are involved, the court shall base  
3 the consumer information assessment upon the the total of the fine or forfeiture  
4 amounts for all violations. If a fine or forfeiture is suspended in whole or in part, the  
5 court shall reduce the assessment in proportion to the suspension.

6 (2) If any deposit is made for a violation to which this section applies, the person  
7 making the deposit shall also deposit a sufficient amount to include the consumer  
8 information assessment required under this section. If the deposit is forfeited, the  
9 amount of the consumer information assessment shall be transmitted to the state  
10 treasurer under sub. (3). If the deposit is returned, the consumer information  
11 assessment shall also be returned.

12 (3) The clerk of court shall collect and transmit the consumer information  
13 assessment amounts to the county treasurer under s. 59.40 (2) (m). The county  
14 treasure shall then make payment to the state treasurer under s. 59.25 (3) (f) 2. The  
15 state treasure shall deposit the assessment amounts in the general fund, and the  
16 amounts shall be credited to appropriation account under s. 20.115 (1) (jb).

17 **SECTION 13.** 778.02 of the statutes is amended to read:

18 **778.02 Action in name of state; complaint; attachment.** Every such  
19 forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to  
20 allege in the complaint that the defendant is indebted to the plaintiff in the amount  
21 of the forfeiture claimed, according to the provisions of the statute that imposes it,  
22 specifying the statute and for the penalty assessment imposed by s. ~~165.87~~ 757.05,  
23 the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law  
24 enforcement assessment imposed by s. 165.755, the enforcement assessment  
25 imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer information

1 assessment imposed by s. 100.261 and any applicable domestic abuse assessment  
2 imposed by s. 973.055 (1). If the statute imposes a forfeiture for several offenses or  
3 delinquencies the complaint shall specify the particular offense or delinquency for  
4 which the action is brought, with a demand for judgment for the amount of the  
5 forfeiture, penalty assessment, jail assessment, crime laboratories and drug law  
6 enforcement assessment, any applicable enforcement assessment, any applicable  
7 consumer information assessment and any applicable domestic abuse assessment.  
8 If the defendant is a nonresident of the state, an attachment may issue.

\*\*\*\*NOTE: This is reconciled s. 778.02. This SECTION has been affected by drafts with  
the following LRB numbers: 0063/1 and 1265/5.

9 **SECTION 14.** 778.03 of the statutes is amended to read:

10 **778.03 Complaint to recover forfeited goods.** In an action to recover  
11 property forfeited by any statute it shall be sufficient to allege in the complaint that  
12 the property has been forfeited, specifying the statute, with a demand of judgment  
13 for the delivery of the property, or the value thereof and for payment of the penalty  
14 assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1),  
15 the crime laboratories and drug law enforcement assessment imposed by s. 165.755,  
16 the enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable  
17 consumer information assessment imposed by s. 100.261 and any applicable  
18 domestic abuse assessment imposed by s. 973.055 (1).

\*\*\*\*NOTE: This is reconciled s. 778.03. This SECTION has been affected by drafts with  
the following LRB numbers: 0063/1 and 1265/5.

19 **SECTION 15.** 778.06 of the statutes is amended to read:

20 **778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a  
21 specific sum or when it is not less than one sum or more than another, the action may  
22 be brought for the highest sum specified and for the penalty assessment imposed by

1 s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories  
2 and drug law enforcement assessment imposed by s. 165.755, the enforcement  
3 assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer  
4 information assessment imposed by s. 100.261 and any applicable domestic abuse  
5 assessment imposed by s. 973.055 (1); and judgment may be rendered for such sum  
6 as the court or jury shall assess or determine to be proportionate to the offense.

\*\*\*NOTE: This is reconciled s. 778.06. This SECTION has been affected by drafts with  
the following LRB numbers: 0063/1 and 1265/5.

7 **SECTION 16.** 778.10 of the statutes is amended to read:

8 **778.10 Municipal forfeitures, how recovered.** All forfeitures imposed by  
9 any ordinance or regulation of any county, town, city or village, or of any other  
10 domestic corporation may be sued for and recovered, under this chapter, in the name  
11 of the county, town, city, village or corporation. It is sufficient to allege in the  
12 complaint that the defendant is indebted to the plaintiff in the amount of the  
13 forfeiture claimed, specifying the ordinance or regulation that imposes it and of the  
14 penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s.  
15 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by  
16 s. 165.755, any applicable consumer information assessment imposed by s. 100.261  
17 and any applicable domestic abuse assessment imposed by s. 973.055 (1). If the  
18 ordinance or regulation imposes a penalty or forfeiture for several offenses or  
19 delinquencies the complaint shall specify the particular offenses or delinquency for  
20 which the action is brought, with a demand for judgment for the amount of the  
21 forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment  
22 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement  
23 assessment imposed by s. 165.755, any applicable consumer information assessment

1 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.  
2 973.055 (1). All moneys collected on the judgment shall be paid to the treasurer of  
3 the county, town, city, village or corporation, except that all jail assessments shall be  
4 paid to the county treasurer.

\*\*\*\*NOTE: This is reconciled s. 778.10. This SECTION has been affected by drafts with  
the following LRB numbers: 0063/1 and 1265/5.

5 **SECTION 17.** 778.105 of the statutes is amended to read:

6 **778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by  
7 any court or any branch thereof for the violation of any municipal or county  
8 ordinance shall be paid to the municipality or county. Penalty assessment payments  
9 shall be made as provided in s. ~~165.87~~ 757.05. Jail assessment payments shall be  
10 made as provided in s. 302.46 (1). Crime laboratories and drug law enforcement  
11 assessment payments shall be paid as provided in s. 165.755. Domestic abuse  
12 assessments shall be made as provided in s. 973.055. Consumer information  
13 assessment payments shall be made as provided in s. 100.261.

\*\*\*\*NOTE: This is reconciled s. 778.105. This SECTION has been affected by drafts  
with the following LRB numbers: 0063/1 and 1265/5.

14 **SECTION 18.** 778.13 of the statutes is amended to read:

15 **778.13 Forfeitures collected, to whom paid.** All moneys collected in favor  
16 of the state for forfeiture, except the portion to be paid to any person who sues with  
17 the state, shall be paid by the officer who collects the forfeiture to the treasurer of the  
18 county within which the forfeiture was incurred within 20 days after its receipt. In  
19 case of any failure in the payment the county treasurer may collect the payment of  
20 the officer by action, in the name of the office and upon the official bond of the officer,  
21 with interest at the rate of 12% per year from the time when it should have been paid.  
22 Penalty assessment payments shall be made as provided in s. ~~165.87~~ 757.05. Jail

1 assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories  
2 and drug law enforcement assessment payments shall be paid as provided in s.  
3 165.755. Domestic abuse assessments shall be made as provided in s. 973.055.  
4 Enforcement assessments shall be made as provided in s. 253.06 (4) (c). Consumer  
5 information assessment payments shall be made as provided in s. 100.261.

\*\*\*\*NOTE: This is reconciled s. 778.13. This SECTION has been affected by drafts with  
the following LRB numbers: 0063/1 and 1265/5.

6 **SECTION 19.** 778.18 of the statutes is amended to read:

7 **778.18 Penalty upon municipal judge.** If any municipal judge, of his or her  
8 own will, dismisses any action brought before the judge under this chapter, unless  
9 by order of the district attorney or attorney general or the person joined as plaintiff  
10 with the state, or renders a less judgment therein than is prescribed by law, or  
11 releases or discharges any such judgment or part thereof without payment or  
12 collection, the judge and the judge's sureties shall be liable, in an action upon the  
13 judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture  
14 imposed by the judge and for the penalty assessment imposed by s. ~~165.87~~ 757.05,  
15 the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law  
16 enforcement assessment imposed by s. 165.755, any applicable consumer  
17 information assessment imposed by s. 100.261 and any applicable domestic abuse  
18 assessment imposed by s. 973.055 (1), or for an amount equal to the amount in which  
19 any such judgment or any part thereof is released or discharged. If any municipal  
20 judge gives time or delay to any person against whom any such judgment is rendered  
21 by the judge, or takes any bond or security for its future payment, the judge and the  
22 judge's sureties shall also be liable for the payment of the judgment upon the judge's  
23 bond.



\*\*\*NOTE: This is reconciled s. 778.18. This SECTION has been affected by drafts with the following LRB numbers: 0063/1 and 1265/5.

1           **SECTION 20.** 800.02 (2) (a) 8. of the statutes is amended to read:

2           800.02 (2) (a) 8. Notice that if the defendant makes a deposit and fails to appear  
3 in court at the time fixed in the citation, the defendant is deemed to have tendered  
4 a plea of no contest and submits to a forfeiture, penalty assessment, jail assessment  
5 and crime laboratories and drug law enforcement assessment, any applicable  
6 consumer information assessment and any applicable domestic abuse assessment  
7 plus costs, including the fee prescribed in s. 814.65 (1), not to exceed the amount of  
8 the deposit. The notice shall also state that the court may decide to summon the  
9 defendant rather than accept the deposit and plea.

10           **SECTION 21.** 800.02 (3) (a) 5. of the statutes is amended to read:

11           800.02 (3) (a) 5. A plain and concise statement of the violation identifying the  
12 event or occurrence from which the violation arose and showing that the plaintiff is  
13 entitled to relief, the ordinance, resolution or bylaw upon which the cause of action  
14 is based and a demand for a forfeiture, the amount of which shall not exceed the  
15 maximum set by the statute involved, the penalty assessment, the jail assessment,  
16 the crime laboratories and drug law enforcement assessment, any applicable  
17 consumer information assessment, any applicable domestic abuse assessment and  
18 such other relief that is sought by the plaintiff.

19           **SECTION 22.** 800.03 (3) of the statutes is amended to read:

20           800.03 (3) The amount of the deposit shall be set by the municipal judge, but  
21 shall not be effective until approved by the governing body of the municipality. The  
22 amount shall not exceed the maximum penalty for the offense, including any penalty  
23 assessment that would be applicable under s. ~~165.87~~ 757.05, any jail assessment that

1 would be applicable under s. 302.46 (1), any crime laboratories and drug law  
2 enforcement assessment that would be applicable under s. 165.755, any consumer  
3 information assessment that would be applicable under s. 100.261 and any domestic  
4 abuse assessment that would be applicable under s. 973.055 (1), plus court costs,  
5 including the fee prescribed in s. 814.65 (1).

\*\*\*\*NOTE: This is reconciled s. 800.03 (3). This SECTION has been affected by drafts  
with the following LRB numbers: 0063/1 and 1265/5.

6 **SECTION 23.** 800.04 (2) (b) of the statutes is amended to read:

7 800.04 (2) (b) If the municipal judge determines that the defendant should not  
8 be released under par. (a) and the defendant is charged with a traffic or boating  
9 violation, the municipal judge shall release the defendant on a deposit in the amount  
10 established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66.  
11 For other violations, the municipal judge shall establish a deposit in an amount not  
12 to exceed the maximum penalty for the offense, including any penalty assessment  
13 that would be applicable under s. ~~165.87~~ 757.05, any jail assessment that would be  
14 applicable under s. 302.46 (1), any crime laboratories and drug law enforcement  
15 assessment that would be applicable under s. 165.755, any consumer information  
16 assessment that would be applicable under s. 100.261 and any domestic abuse  
17 assessment that would be applicable under s. 973.055 (1). If the judge in a 1st class  
18 city determines that a defendant appearing before the judge through interactive  
19 video and audio transmission should not be released under par. (a), the judge shall  
20 inform the defendant that he or she has the right to appear personally before a judge  
21 for a determination, not prejudiced by the first appearance, as to whether he or she  
22 should be released without a deposit. On failure of the defendant to make a deposit  
23 under this paragraph, he or she may be committed to jail pending trial only if the

1 judge finds that there is a reasonable basis to believe the person will not appear in  
2 court.

\*\*\*NOTE: This is reconciled s. 800.04 (2) (b). This SECTION has been affected by  
drafts with the following LRB numbers: 0063/1 and 1265/5.

3 **SECTION 24.** 800.04 (2) (c) of the statutes is amended to read:

4 800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03  
5 and does not appear, he or she is deemed to have tendered a plea of no contest and  
6 submits to a forfeiture, a penalty assessment imposed by s. ~~165.87~~ 757.05, a jail  
7 assessment imposed by s. 302.46 (1), a crime laboratories and drug law enforcement  
8 assessment imposed by s. 165.755, any applicable consumer information assessment  
9 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.  
10 973.055 (1) plus costs, including the fee prescribed in s. 814.65 (1), not exceeding the  
11 amount of the deposit. The court may either accept the plea of no contest and enter  
12 judgment accordingly, or reject the plea and issue a summons. If the court finds that  
13 the violation meets the conditions in s. 800.093 (1), the court may summon the  
14 alleged violator into court to determine if restitution shall be ordered under s.  
15 800.093. If the defendant fails to appear in response to the summons, the court shall  
16 issue a warrant under s. 968.09. If the defendant has made a deposit but does appear,  
17 the court shall allow the defendant to withdraw the plea of no contest.

\*\*\*NOTE: This is reconciled s. 800.04 (2) (c). This SECTION has been affected by  
drafts with the following LRB numbers: 0063/1 and 1265/5.

18 **SECTION 25.** 800.09 (1) (intro.) of the statutes is amended to read:

19 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it  
20 may render judgment by ordering restitution under s. 800.093 and payment of a  
21 forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment  
22 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement

1 assessment imposed by s. 165.755, any applicable consumer information assessment  
2 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.  
3 973.055 (1) plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The  
4 court shall apply any payment received on a judgment that includes restitution to  
5 first satisfy any payment of restitution ordered, then to pay the forfeiture,  
6 assessments and costs. If the judgment is not paid, the court may proceed under par.  
7 (a), (b) or (c) or any combination of those paragraphs, as follows:

\*\*\*\*NOTE: This is reconciled s. 800.09 (1) (intro.). This SECTION has been affected  
by drafts with the following LRB numbers: 0063/1 and 1265/5.

8 **SECTION 26.** 800.09 (1) (a) of the statutes 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. If the  
18 defendant is not present, the court shall ensure that the information is sent to the  
19 defendant by mail. In 1st class cities, all of the written information required by this  
20 paragraph shall be printed in English and Spanish and provided to each defendant.

21 **SECTION 27.** 800.09 (2) (b) of the statutes is amended to read:

22 800.09 (2) (b) If the person charged fails to appear personally or by an attorney  
23 at the time fixed for hearing of the case, the defendant may be deemed to have

1 entered a plea of no contest and the money deposited, if any, or such portion thereof  
2 as the court determines to be an adequate penalty, plus the penalty assessment, the  
3 jail assessment, the crime laboratories and drug law enforcement assessment, any  
4 applicable consumer information assessment and any applicable domestic abuse  
5 assessment plus costs, including the fee prescribed in s. 814.65 (1), may be declared  
6 forfeited by the court or may be ordered applied upon the payment of any penalty  
7 which may be imposed, together with the penalty assessment, the jail assessment,  
8 the crime laboratories and drug law enforcement assessment, any applicable  
9 consumer information assessment and any applicable domestic abuse assessment  
10 plus costs. If the court finds that the violation meets the conditions in s. 800.093 (1),  
11 the court may summon the alleged violator into court to determine if restitution shall  
12 be ordered under s. 800.093. Any money remaining after payment of any penalties,  
13 assessments, costs and restitution shall be refunded to the person who made the  
14 deposit.

15 **SECTION 28.** 800.10 (2) of the statutes is amended to read:

16 800.10 (2) All forfeitures, fees, penalty assessments, crime laboratories and  
17 drug law enforcement assessments, consumer information assessments, domestic  
18 abuse assessments and costs paid to a municipal court under a judgment before a  
19 municipal judge shall be paid to the municipal treasurer within 7 days after receipt  
20 of the money by a municipal judge or other court personnel. At the time of the  
21 payment, the municipal judge shall report to the municipal treasurer the title of the  
22 action, the offense for which a forfeiture was imposed and the total amount of the  
23 forfeiture, fees, penalty assessments, crime laboratories and drug law enforcement  
24 assessments, consumer information assessments, domestic abuse assessments and  
25 costs, if any. The treasurer shall disburse the fees as provided in s. 814.65 (1). All

1 jail assessments paid to a municipal court under a judgment before a municipal judge  
2 shall be paid to the county treasurer within 7 days after receipt of the money by a  
3 municipal judge or other court personnel.

4 **SECTION 29.** 800.12 (2) of the statutes is amended to read:

5 800.12 (2) A municipality may by ordinance provide that a municipal judge  
6 may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50  
7 or, upon nonpayment of the forfeiture, penalty assessment under s. ~~165.87~~ 757.05,  
8 jail assessment under s. 302.46 ~~and~~, crime laboratories and drug law enforcement  
9 assessment under s. 165.755, any applicable consumer information assessment  
10 under s. 100.261 and any applicable domestic abuse assessment under s. 973.055 (1),  
11 a jail sentence not to exceed 7 days.

\*\*\*\*NOTE: This is reconciled s. 800.12 (2). This SECTION has been affected by drafts  
with the following LRB numbers: 0063/1 and 1265/5.

12 **SECTION 30.** 814.60 (2) (ai) of the statutes is created to read:

13 814.60 (2) (ai) Consumer information assessment imposed by s. 100.261.

14 **SECTION 31.** 814.63 (3) (ai) of the statutes is created to read:

15 814.63 (3) (ai) Consumer information assessment imposed by s. 100.261.

16 **SECTION 32.** 973.05 (1) of the statutes is amended to read:

17 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant  
18 permission for the payment of the fine, of the penalty assessment imposed by s.  
19 ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime victim and  
20 witness assistance surcharge under s. 973.045, the crime laboratories and drug law  
21 enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid  
22 analysis surcharge under s. 973.046, any applicable drug abuse program  
23 improvement surcharge imposed by s. 961.41 (5), any applicable consumer

1 information assessment imposed by s. 100.261, any applicable domestic abuse  
2 assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver  
3 improvement surcharge imposed by s. 346.655, any applicable enforcement  
4 assessment imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed  
5 by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4),  
6 any applicable environmental assessment imposed by s. 299.93, any applicable wild  
7 animal protection assessment imposed by s. 29.983, any applicable natural resources  
8 assessment imposed by s. 29.987 and any applicable natural resources restitution  
9 payment imposed by s. 29.989 to be made within a period not to exceed 60 days. If  
10 no such permission is embodied in the sentence, the fine, the penalty assessment, the  
11 jail assessment, the crime victim and witness assistance surcharge, the crime  
12 laboratories and drug law enforcement assessment, any applicable deoxyribonucleic  
13 acid analysis surcharge, any applicable drug abuse program improvement  
14 surcharge, any applicable consumer information assessment, any applicable  
15 domestic abuse assessment, any applicable driver improvement surcharge, any  
16 applicable enforcement assessment, any applicable weapons assessment, any  
17 applicable uninsured employer assessment, any applicable environmental  
18 assessment, any applicable wild animal protection assessment, any applicable  
19 natural resources assessment and any applicable natural resources restitution  
20 payment shall be payable immediately.

\*\*\*\*NOTE: This is reconciled s. 973.05 (1). This SECTION has been affected by drafts  
with the following LRB numbers: 0063/1 and 1265/5.

21 **SECTION 33.** 973.05 (2) of the statutes is amended to read:

22 973.05 (2) When a defendant is sentenced to pay a fine and is also placed on  
23 probation, the court may make the payment of the fine, the penalty assessment, the

1 jail assessment, the crime victim and witness assistance surcharge, the crime  
2 laboratories and drug law enforcement assessment, any applicable deoxyribonucleic  
3 acid analysis surcharge, any applicable drug abuse program improvement  
4 surcharge, any applicable consumer information assessment, any applicable  
5 domestic abuse assessment, any applicable uninsured employer assessment, any  
6 applicable driver improvement surcharge, any applicable enforcement assessment  
7 under s. 253.06 (4) (c), any applicable weapons assessment, any applicable  
8 environmental assessment, any applicable wild animal protection assessment, any  
9 applicable natural resources assessment and any applicable natural resources  
10 restitution payments a condition of probation. When the payments are made a  
11 condition of probation by the court, payments thereon shall be applied first to  
12 payment of the penalty assessment until paid in full, shall then be applied to the  
13 payment of the jail assessment until paid in full, shall then be applied to the payment  
14 of part A of the crime victim and witness assistance surcharge until paid in full, shall  
15 then be applied to part B of the crime victim and witness assistance surcharge until  
16 paid in full, shall then be applied to the crime laboratories and drug law enforcement  
17 assessment until paid in full, shall then be applied to the deoxyribonucleic acid  
18 analysis surcharge until paid in full, shall then be applied to the drug abuse  
19 improvement surcharge until paid in full, shall then be applied to payment of the  
20 driver improvement surcharge until paid in full, shall then be applied to payment  
21 of the domestic abuse assessment until paid in full, shall then be applied to payment  
22 of the consumer information assessment until paid in full, shall then be applied to  
23 payment of the natural resources assessment if applicable until paid in full, shall  
24 then be applied to payment of the natural resources restitution payment until paid  
25 in full, shall then be applied to the payment of the environmental assessment if



1 applicable until paid in full, shall then be applied to the payment of the wild animal  
2 protection assessment if applicable until paid in full, shall then be applied to  
3 payment of the weapons assessment until paid in full, shall then be applied to  
4 payment of the uninsured employer assessment until paid in full, shall then be  
5 applied to payment of the enforcement assessment under s. 253.06 (4) (c), if  
6 applicable, until paid in full and shall then be applied to payment of the fine.

7 **SECTION 34.** 973.07 of the statutes is amended to read:

8 **973.07 Failure to pay fine or costs or to comply with certain**  
9 **community service work.** If the fine, costs, penalty assessment, jail assessment,  
10 crime victim and witness assistance surcharge, crime laboratories and drug law  
11 enforcement assessment, applicable deoxyribonucleic acid analysis surcharge,  
12 applicable drug abuse program improvement surcharge, applicable consumer  
13 information assessment, applicable domestic abuse assessment, applicable driver  
14 improvement surcharge, applicable enforcement assessment under s. 253.06 (4) (c),  
15 applicable weapons assessment, applicable uninsured employer assessment,  
16 applicable environmental assessment, applicable wild animal protection  
17 assessment, applicable natural resources assessment and applicable natural  
18 resources restitution payments are not paid or community service work under s.  
19 943.017 (3) is not completed as required by the sentence, the defendant may be  
20 committed to the county jail until the fine, costs, penalty assessment, jail  
21 assessment, crime victim and witness assistance surcharge, crime laboratories and  
22 drug law enforcement assessment, applicable deoxyribonucleic acid analysis  
23 surcharge, applicable drug abuse program improvement surcharge, applicable  
24 consumer information assessment, applicable domestic abuse assessment,  
25 applicable driver improvement surcharge, applicable enforcement assessment

1 under s. 253.06 (4) (c), applicable weapons assessment, applicable uninsured  
2 employer assessment, applicable environmental assessment, applicable wild animal  
3 protection assessment, applicable natural resources assessment or applicable  
4 natural resources restitution payments are paid or discharged, or the community  
5 service work under s. 943.017 (3) is completed, for a period fixed by the court not to  
6 exceed 6 months.

7 **SECTION 9304. Initial applicability; agriculture, trade and consumer**  
8 **protection.**

9 (1) CONSUMER INFORMATION ASSESSMENTS. The treatment of sections 59.25 (3) (f)  
10 2., 59.40 (2) (m), 66.119 (1) (b) 7. c. and d. and (c) and (3) (a), (b), (c) and (d), 66.12 (1)  
11 (b), 100.261, 778.02, 778.03, 778.06, 778.10, 778.105, 778.13, 778.18, 800.02 (2) (a)  
12 8. and (3) (a) 5., 800.03 (3), 800.04 (2) (b) and (c), 800.09 (1) (intro.) and (a) and (2)  
13 (b), 800.10 (2) (with respect to consumer information assessments), 800.12 (2),  
14 814.60 (2) (ai), 814.63 (3) (ai), 973.05 (1) and (2) and 973.07 of the statutes first  
15 applies to violations that occur on the effective date of this subsection.

16

(END)