



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1265/1
JEO:wj&jlg:lp

Soon

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DOA:.....Statz - Distribution of funds collected from the penalty assessment
FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

do not gen

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

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

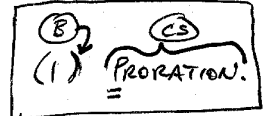
With certain exceptions, current law imposes a penalty assessment on any person who is ordered to pay a fine or forfeiture for violating a state law or a local ordinance. The penalty assessment is set at 23% of the total amount of the fines or forfeitures imposed for the violation. The moneys collected from penalty assessments are currently credited directly to various appropriation accounts based on a formula in the statutes and the appropriation accounts specify the purposes for which the moneys may be used. These purposes currently include the following: 1) training for local law enforcement officers; 2) correctional officer training; 3) purchase of crime laboratory equipment; 4) matching federal funds provided for drug law enforcement; 5) county-tribal law enforcement projects; 6) diversion of youth from gang activities; 7) alcohol and other drug abuse prevention and treatment for minors; and 8) training for the state public defenders office.

This bill provides that, instead of being credited to specific appropriation accounts based on a statutory formula, all moneys collected from penalty assessments will be credited to a single appropriation account in the department of administration's office of justice assistance (OJA). Specified amounts of the moneys in this OJA appropriation account will then be transferred to other appropriation accounts to be used for the same purposes as under current law, except that under

the bill no penalty assessment moneys will be provided to fund county-tribal law enforcement projects. The bill also provides that penalty assessment moneys will be used for several new purposes, including information technology systems for the department of corrections (DOC), automated justice information systems and reimbursement to counties for the costs of providing crime victim and witness services.

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. 16.495 of the statutes is created to read:

2 **16.495 Transfer of penalty assessment surcharge receipts.** On or before
3 the 10th day of each month, the secretary shall calculate the unencumbered balance
4 in the appropriation account under s. 20.505 (6) (j) as of the 5th day of that month.
5 If the unencumbered balance in the appropriation account is not sufficient to fully
6 fund the amounts required to be transferred on the 15th day of the month under s.
7 20.505 (6) (j), the secretary first shall transfer the full amounts required to be
8 transferred under s. 20.505 (6) (j) 1. to 3. and then shall transfer any remaining
9 unencumbered balance on a prorated basis to the appropriation accounts specified
10 under s. 20.505 (6) (j) 4. to ¹⁵14. The secretary shall base the proration on the
11 proportion that the amount that is required to be transferred to each appropriation
12 account on the 15th day of the month bears to the total amount that is required to
13 be transferred on the 15th day of the month to all of the appropriation accounts under
14 s. 20.505 (6) (j) 4. to ¹⁵14.

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15 SECTION 2. 16.971 (9) of the statutes is amended to read:

16 16.971 (9) In conjunction with the public defender board, the director of state
17 courts, the departments of corrections and justice and district attorneys, the division
18 may maintain, promote and coordinate automated justice information systems that

1 are compatible among counties and the officers and agencies specified in this
2 subsection, using the moneys appropriated under s. 20.505 (1) (ja) ~~and~~, (kp) and (kq).
3 The division shall annually report to the legislature under s. 13.172 (2) concerning
4 the division's efforts to improve and increase the efficiency of integration of justice
5 information systems.

6 **SECTION 3.** 20.255 (1) (hr) of the statutes is renumbered 20.255 (1) (kd) and
7 amended to read:

8 20.255 (1) (kd) *Alcohol and other drug abuse program.* ~~All moneys received~~
9 ~~under s. 165.87 (1)~~ The amounts in the schedule for the purpose of s. 115.36 (2) and
10 the administration of s. 115.36 (3). All moneys transferred from the appropriation
11 account under s. 20.505 (6) (j) 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.

12 **SECTION 4.** 20.255 (2) (g) of the statutes is renumbered 20.255 (2) (kd) and
13 amended to read:

14 20.255 (2) (kd) *Aid for alcohol and other drug abuse programs.* ~~All moneys~~
15 ~~received under s. 165.87 (1)~~ The amounts in the schedule for the purpose of s. 115.36
16 (3). All moneys transferred from the appropriation account under s. 20.505 (6) (j)
17 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.

18 **SECTION 5.** 20.410 (1) (jp) of the statutes is renumbered 20.410 (1) (kp) and
19 amended to read:

20 20.410 (1) (kp) *Correctional officer training.* The amounts in the schedule to
21 finance correctional officers training under s. 301.28. All moneys received from the
22 ~~penalty assessment surcharge on court fines and forfeitures as allocated~~ transferred

1 from the appropriation account under s. ~~165.87 (1)~~ 20.505 (6) (j) shall be credited to
2 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.

3 **SECTION 6.** 20.410 (1) (kv) of the statutes is created to read:

4 20.410 (1) (kv) *Information technology.* The amounts in the schedule for the
5 purpose of maintaining, developing and operating information systems. All moneys
6 transferred from the appropriation account under s. 20.505 (6) (j) shall be credited
7 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.

8 **SECTION 7.** 20.410 (3) (kj) of the statutes is amended to read:

9 20.410 (3) (kj) *Youth diversion program.* ~~Biennially, the~~ The amounts in the
10 schedule for youth diversion services under s. 301.265 (1) and (3). All moneys
11 transferred from the appropriation account under s. 20.505 (6) ~~(g)~~ (j) shall be credited
12 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.

13 **SECTION 8.** 20.455 (2) (d) of the statutes is repealed.

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

14 **SECTION 9.** 20.455 (2) (hm) of the statutes is repealed.

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

15 **SECTION 10.** 20.455 (2) (hn) of the statutes is repealed.

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

16 **SECTION 11.** 20.455 (2) (ho) of the statutes is repealed.

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

17 **SECTION 12.** 20.455 (2) (i) of the statutes is repealed.

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

1 **SECTION 13.** 20.455 (2) (j) of the statutes is renumbered 20.455 (2) (kp) and
2 amended to read:

3 20.455 (2) (kp) *Law enforcement training fund, local assistance.* The amounts
4 in the schedule to finance local law enforcement training as provided in s. 165.85 (5)
5 (b) ~~and (5m)~~. All moneys transferred from ~~par. (i)~~ the appropriation account under
6 s. 20.505 (6) (j) 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.

7 **SECTION 14.** 20.455 (2) (ja) of the statutes is renumbered 20.455 (2) (kq) and
8 amended to read:

9 20.455 (2) (kq) *Law enforcement training fund, state operations.* The amounts
10 in the schedule to finance state operations associated with the administration of the
11 law enforcement training fund and to finance training for state law enforcement
12 personnel, as provided in s. 165.85 (5) (b). All moneys transferred from ~~par. (i)~~ the
13 appropriation account under s. 20.505 (6) (j) shall be credited to this appropriation
14 account.

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

15 **SECTION 15.** 20.455 (2) (jb) of the statutes is renumbered 20.455 (2) (kr) and
16 amended to read:

17 20.455 (2) (kr) *Crime laboratory equipment and supplies.* ~~Biennially, the~~ **The**
18 amounts in the schedule for the maintenance, repair, upgrading and replacement
19 costs of the laboratory equipment, and for supplies used to maintain, repair, upgrade
20 and replace that equipment, in the state and regional crime laboratories. All moneys

1 transferred from ~~par. (i)~~ the appropriation account under s. 20.505 (6) (j) shall be
2 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.

3 **SECTION 16.** 20.455 (2) (ke) of the statutes is created to read:

4 20.455 (2) (ke) *Drug enforcement intelligence operations.* The amounts in the
5 schedule for drug enforcement tactical and strategic intelligence units. All moneys
6 transferred from the appropriation account under s. 20.505 (6) (j) shall be credited
7 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.

8 **SECTION 17.** 20.455 (5) (kp) of the statutes is created to read:

9 20.455 (5) (kp) *Reimbursement to counties for victim-witness services.* The
10 amounts in the schedule for the purpose of reimbursing counties under s. 950.06 for
11 costs incurred in providing services to victims and witnesses of crime. All moneys
12 transferred from the appropriation account under s. 20.505 (6) (j) shall be credited
13 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.

14 **SECTION 18.** 20.505 (1) (kq) of the statutes is created to read:

15 20.505 (1) (kq) *Justice information systems development, operation and*
16 *maintenance.* The amounts in the schedule for the purpose of developing, operating
17 and maintaining automated justice information systems under s. 16.971 (9). All
18 moneys transferred from the appropriation account under s. 20.505 (6) (j) shall be
19 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.

1 SECTION 19. 20.505 (6) (g) of the statutes is renumbered 20.505 (6) (kp) and
2 amended to read:

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3 20.505 (6) (kp) *Anti-drug enforcement program, penalty assessment — local.*
4 ~~All moneys received from the penalty assessment surcharge on court fines and~~
5 ~~forfeitures as allocated under s. 165.87 (1) The amounts in the schedule to match~~
6 ~~federal funds made available under subtitle K of title I of P.L. 99-570, except as~~
7 ~~provided in par. (h) and s. 20.410 (3) (kj) All moneys transferred from the~~
8 ~~appropriation account under s. 20.505 (6) (j) shall be credited to this appropriation~~
9 ~~account. The executive staff director of the office of justice assistance may transfer~~
10 ~~moneys not ^{score} needed as matching funds under this paragraph to par. (h). The~~
11 ~~secretary of administration shall transfer \$645,000 from this paragraph to s. 20.410~~
12 ~~(3) (kj) in each fiscal year. The secretary of administration shall transfer \$200,000~~
13 ~~in fiscal year 1997-98 and \$200,000 in fiscal year 1998-99 from this paragraph to~~
14 ~~the appropriation account under s. 20.455 (2) (k) for a drug enforcement tactical~~
15 ~~intelligence unit and shall transfer \$948,800 in fiscal year 1998-99 from this~~
16 ~~paragraph to the appropriation account under s. 20.455 (2) (k) for a drug enforcement~~
17 ~~strategic intelligence unit.~~

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

18 SECTION 20. 20.505 (6) (h) of the statutes is renumbered 20.505 (6) (kt) and
19 amended to read:

20 20.505 (6) (kt) *Anti-drug enforcement program, penalty assessment — state.*
21 ~~All moneys transferred from par. (g) ^{The amounts in the schedule} to match federal funds made available~~
22 ~~under subtitle K of title I of P.L. 99-570 regarding allocations to state agencies for~~
23 ~~planning, programs and administration regarding anti-drug abuse law enforcement~~

All moneys transferred from the appropriation account under ~~s. 20.455 (2) (i)~~ shall be credited to this appropriation account.

1 assistance. The secretary of administration shall transfer \$500,000 in fiscal year

2 1991-92 from this paragraph to s. 20.455 (2) (i).

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

3 SECTION 21. 20.505 (6) (j) of the statutes is created to read:

4 20.505 (6) (j) *Penalty assessment surcharge receipts.* All moneys received from
5 the penalty assessment surcharge under s. 757.05 on court fines and forfeitures for

6 the purpose of making the transfers required under subds. 1. to ¹⁵18. On the 15th day
7 of each month, the secretary shall transfer the following amounts to the following
8 appropriation accounts, unless otherwise provided under s. 16.495: ⁽¹⁾

9 1. The amount transferred to s. 20.455 (2) (kp) shall be one-twelfth of the
10 amount in the schedule under s. 20.455 (2) (kp).

11 2. The amount transferred to s. 20.455 (2) (kq) shall be one-twelfth of the
12 amount in the schedule under s. 20.455 (2) (kq).

13 3. The amount transferred to s. 20.505 (6) (kp) shall be one-twelfth of the
14 amount in the schedule under s. 20.505 (6) (kp).

15 4. The amount transferred to s. 20.255 (1) (kd) shall be one-twelfth of the
16 amount in the schedule under s. 20.255 (1) (kd).

17 5. The amount transferred to s. 20.255 (2) (kd) shall be one-twelfth of the
18 amount in the schedule under s. 20.255 (2) (kd).

19 6. The amount transferred to s. 20.410 (1) (kp) shall be one-twelfth of the
20 amount in the schedule under s. 20.410 (1) (kp).

21 7. The amount transferred to s. 20.410 (1) (kv) shall be one-twelfth of the
22 amount in the schedule under s. 20.410 (1) (kv).

and for the purpose of making transfers to the appropriation account under s. ^{20.865}20.865 (B) (K).

1 8. The amount transferred to s. 20.410 (3) (kj) shall be one-twelfth of the
2 amount in the schedule under s. 20.410 (3) (kj).

3 9. The amount transferred to s. 20.455 (2) (ke) shall be one-twelfth of the
4 amount in the schedule under s. 20.455 (2) (ke).

5 10. The amount transferred to s. 20.455 (2) (kr) shall be one-twelfth of the
6 amount in the schedule under s. 20.455 (2) (kr).

7 11. The amount transferred to s. 20.455 (5) (kp) shall be one-twelfth of the
8 amount in the schedule under s. 20.455 (5) (kp).

9 12. The amount transferred to s. 20.505 (1) (kq) shall be one-twelfth of the
10 amount in the schedule under s. 20.505 (1) (kq).

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11 13. The amount transferred to s. 20.550 (1) (k) shall be one-twelfth of the
12 amount in the schedule under s. 20.550 (1) (k).

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

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13 **SECTION 22.** 20.550 (1) (j) of the statutes is renumbered 20.550 (1) (k) and
14 amended to read:

15 20.550 (1) (k) *Conferences and training.* The amounts in the schedule to
16 sponsor conferences and training under ch. 977. All moneys received transferred
17 from the ~~penalty assessment surcharge on court fines and forfeitures as allocated~~
18 appropriation account under s. ~~165.87 (1) (br)~~ 20.505 (6) (j) shall be credited to this
19 appropriation account.

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

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20 **SECTION 23.** 23.51 (6) of the statutes is amended to read:

21 23.51 (6) "Penalty assessment" means the penalty assessment imposed by s.
22 ~~165.87~~ 757.05.

1 **SECTION 24.** 59.25 (3) (f) 2. of the statutes is amended to read:

2 59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be
3 deposited in the state treasury, the amounts required by s. ~~165.87~~ 757.05 for the
4 penalty assessment surcharge, the amounts required by s. 165.755 for the crime
5 laboratories and drug law enforcement assessment, the amounts required by s.
6 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the
7 crime victim and witness assistance surcharge, the amounts required by s. 938.34
8 (8d) for the delinquency victim and witness assistance surcharge, the amounts
9 required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts
10 required by s. 961.41 (5) for the drug abuse program improvement surcharge, the
11 amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the
12 domestic abuse assessment, the amounts required by s. 253.06 (4) (c) for the
13 enforcement assessment under the supplemental food program for women, infants
14 and children, the amounts required by ss. 346.177, 346.495 and 346.65 (4r) for the
15 railroad crossing improvement assessment, the amounts required by s. 346.655 (2)
16 (a) and (b) for the driver improvement surcharge, the amounts required by s. 102.85
17 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the
18 environmental assessment, the amounts required by s. 29.983 for the wild animal
19 protection assessment, the amounts required by s. 29.987 for the natural resources
20 assessment surcharge, the amounts required by s. 29.985 for the fishing shelter
21 removal assessment, the amounts required by s. 350.115 for the snowmobile
22 registration restitution payment and the amounts required by s. 29.989 for natural
23 resources restitution payments, transmit to the state treasurer a statement of all
24 moneys required by law to be paid on the actions entered during the preceding month
25 on or before the first day of the next succeeding month, certified by the county

1 treasurer's personal signature affixed or attached thereto, and at the same time pay
2 to the state treasurer the amount thereof.

3 **SECTION 25.** 59.40 (2) (m) of the statutes is amended to read:

4 59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's
5 percentage of the fees required to be paid on each civil action, criminal action and
6 special proceeding filed during the preceding month and pay monthly to the
7 treasurer for the use of the state the percentage of court imposed fines and forfeitures
8 required by law to be deposited in the state treasury, the amounts required by s.
9 ~~165.87 (2) (b)~~ 757.05 for the penalty assessment surcharge, the amounts required by
10 s. 165.755 for the crime laboratories and drug law enforcement assessment, the
11 amounts required by s. 167.31 (5) for the weapons assessment, the amounts required
12 by s. 973.045 for the crime victim and witness assistance surcharge, the amounts
13 required by s. 938.34 (8d) for the delinquency victim and witness assistance
14 surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis
15 surcharge, the amounts required by s. 961.41 (5) for the drug abuse program
16 improvement surcharge, the amounts authorized by s. 971.37 (1m) (c) 1. or required
17 by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by
18 s. 253.06 (4) (c) for the enforcement assessment under the supplemental food
19 program for women, infants and children, the amounts required by ss. 346.177,
20 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the
21 amounts required by s. 346.655 for the driver improvement surcharge, the amounts
22 required by s. 102.85 (4) for the uninsured employer assessment, the amounts
23 required by s. 299.93 for the environmental assessment, the amounts required under
24 s. 29.983 for the wild animal protection assessment, the amounts required under s.
25 29.987 (1) (d) for the natural resources assessment surcharge, the amounts required

1 by s. 29.985 for the fishing shelter removal assessment, the amounts required by s.
2 350.115 for the snowmobile registration restitution payment and the amounts
3 required under s. 29.989 (1) (d) for the natural resources restitution payments. The
4 payments shall be made by the 15th day of the month following receipt thereof.

5 **SECTION 26.** 59.54 (12) of the statutes is repealed.

****NOTE: This draft repeals s. 59.54 (12), stats., because of the repeal of s. 165.90,
stats. If s. 165.90, stats., is not repealed this SECTION should be deleted.

6 **SECTION 27.** 66.119 (1) (b) 7. c. of the statutes is amended to read:

7 66.119 (1) (b) 7. c. That if the alleged violator makes a cash deposit and does
8 not appear in court, he or she either will be deemed to have tendered a plea of no
9 contest and submitted to a forfeiture, a penalty assessment imposed by s. ~~165.87~~
10 757.05, a jail assessment imposed by s. 302.46 (1), a crime laboratories and drug law
11 enforcement assessment imposed by s. 165.755 and any applicable domestic abuse
12 assessment imposed by s. 973.055 (1) not to exceed the amount of the deposit or will
13 be summoned into court to answer the complaint if the court does not accept the plea
14 of no contest.

15 **SECTION 28.** 66.119 (1) (b) 7. d. of the statutes is amended to read:

16 66.119 (1) (b) 7. d. That if the alleged violator does not make a cash deposit and
17 does not appear in court at the time specified, the court may issue a summons or a
18 warrant for the defendant's arrest or consider the nonappearance to be a plea of no
19 contest and enter judgment under sub. (3) (d), or the municipality may commence an
20 action against the alleged violator to collect the forfeiture, the penalty assessment
21 imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime
22 laboratories and drug law enforcement assessment imposed by s. 165.755 and any
23 applicable domestic abuse assessment imposed by s. 973.055 (1).

1 **SECTION 29.** 66.119 (1) (c) of the statutes is amended to read:

2 66.119 (1) (c) An ordinance adopted under par. (a) shall contain a schedule of
3 cash deposits that are to be required for the various ordinance violations, and for the
4 penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s.
5 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by
6 s. 165.755 and any applicable domestic abuse assessment imposed by s. 973.055 (1),
7 for which a citation may be issued. The ordinance shall also specify the court, clerk
8 of court or other official to whom cash deposits are to be made and shall require that
9 receipts be given for cash deposits.

10 **SECTION 30.** 66.119 (3) (b) of the statutes is amended to read:

11 66.119 (3) (b) If a person appears in court in response to a citation, the citation
12 may be used as the initial pleading, unless the court directs that a formal complaint
13 be made, and the appearance confers personal jurisdiction over the person. The
14 person may plead guilty, no contest or not guilty. If the person pleads guilty or no
15 contest, the court shall accept the plea, enter a judgment of guilty and impose a
16 forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment
17 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
18 assessment imposed by s. 165.755 and any applicable domestic abuse assessment
19 imposed by s. 973.055 (1). If the court finds that the violation meets the conditions
20 in s. 800.093 (1), the court may order restitution under s. 800.093. A plea of not guilty
21 shall put all matters in the case at issue, and the matter shall be set for trial.

22 **SECTION 31.** 66.119 (3) (c) of the statutes is amended to read:

23 66.119 (3) (c) If the alleged violator makes a cash deposit and fails to appear
24 in court, the citation may serve as the initial pleading and the violator shall be
25 considered to have tendered a plea of no contest and submitted to a forfeiture, the

1 penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s.
2 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by
3 s. 165.755 and any applicable domestic abuse assessment imposed by s. 973.055 (1)
4 not exceeding the amount of the deposit. The court may either accept the plea of no
5 contest and enter judgment accordingly or reject the plea. If the court finds the
6 violation meets the conditions in s. 800.093 (1), the court may summon the alleged
7 violator into court to determine if restitution shall be ordered under s. 800.093. If
8 the court accepts the plea of no contest, the defendant may move within 10 days after
9 the date set for the appearance to withdraw the plea of no contest, open the judgment
10 and enter a plea of not guilty if the defendant shows to the satisfaction of the court
11 that the failure to appear was due to mistake, inadvertence, surprise or excusable
12 neglect. If the plea of no contest is accepted and not subsequently changed to a plea
13 of not guilty, no costs or fees may be taxed against the violator, but a penalty
14 assessment, a jail assessment, a crime laboratories and drug law enforcement
15 assessment and, if applicable, a domestic abuse assessment shall be assessed. If the
16 court rejects the plea of no contest, an action for collection of the forfeiture, penalty
17 assessment, jail assessment, crime laboratories and drug law enforcement
18 assessment and any applicable domestic abuse assessment may be commenced. A
19 city, village, town sanitary district or public inland lake protection and rehabilitation
20 district may commence action under s. 66.12 (1) and a county or town may commence
21 action under s. 778.10. The citation may be used as the complaint in the action for
22 the collection of the forfeiture, penalty assessment, jail assessment, crime
23 laboratories and drug law enforcement assessment and any applicable domestic
24 abuse assessment.

25 **SECTION 32.** 66.12 (1) (b) of the statutes is amended to read:

1 66.12 (1) (b) Local ordinances, except as provided in this paragraph or ss.
2 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any
3 or all violations under those ordinances, and may designate the manner in which the
4 stipulation is to be made and fix the penalty to be paid. When a person charged with
5 a violation for which stipulation of guilt or no contest is authorized makes a timely
6 stipulation and pays the required penalty and pays the penalty assessment imposed
7 by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime
8 laboratories and drug law enforcement assessment imposed by s. 165.755 and any
9 applicable domestic abuse assessment imposed by s. 973.055 (1) to the designated
10 official, the person need not appear in court and no witness fees or other additional
11 costs may be taxed unless the local ordinance so provides. A court appearance is
12 required for a violation of a local ordinance in conformity with s. 346.63 (1). The
13 official receiving the penalties shall remit all moneys collected to the treasurer of the
14 city, village, town sanitary district or public inland lake protection and rehabilitation
15 district in whose behalf the sum was paid, except that all jail assessments shall be
16 remitted to the county treasurer, within 20 days after its receipt by him or her; and
17 in case of any failure in the payment, the treasurer may collect the payment of the
18 officer by action, in the name of the office, and upon the official bond of the officer,
19 with interest at the rate of 12% per year from the time when it should have been paid.
20 In the case of the penalty assessment imposed by s. ~~165.87~~ 757.05, the crime
21 laboratories and drug law enforcement assessment imposed by s. 165.755, the driver
22 improvcment surcharge imposed by s. 346.655 (1) and any applicable domestic abuse
23 assessment imposed by s. 973.055 (1), the treasurer of the city, village, town sanitary
24 district or public inland lake protection and rehabilitation district shall remit to the
25 state treasurer the sum required by law to be paid on the actions so entered during

1 the preceding month on or before the first day of the next succeeding month. The
2 governing body of the city, village, town sanitary district or public inland lake
3 protection and rehabilitation district shall by ordinance designate the official to
4 receive the penalties and the terms under which the official shall qualify.

5 SECTION 33. 66.12 (3) (b) of the statutes is amended to read:

6 66.12 (3) (b) All forfeitures and penalties recovered for the violation of any
7 ordinance or bylaw of any city, village, town, town sanitary district or public inland
8 lake protection and rehabilitation district shall be paid into the city, village, town,
9 town sanitary district or public inland lake protection and rehabilitation district
10 treasury for the use of the city, village, town, town sanitary district or public inland
11 lake protection and rehabilitation district, except as otherwise provided in par. (c),
12 sub. (1) (b) and s. ~~165.87~~ 757.05. The judge shall report and pay into the treasury,
13 quarterly, or at more frequent intervals if so required, all moneys collected belonging
14 to the city, village, town, town sanitary district or public inland lake protection and
15 rehabilitation district, which report shall be certified and filed in the office of the
16 treasurer; and the judge shall be entitled to duplicate receipts for such moneys, one
17 of which he or she shall file with the city, village or town clerk or with the town
18 sanitary district or the public inland lake protection and rehabilitation district.

19 SECTION 34. 115.36 (3) (a) (intro.) of the statutes is amended to read:

20 115.36 (3) (a) (intro.) The department shall, from the appropriation under s.
21 20.255 (2) (g) (kd), fund school district projects designed to assist minors
22 experiencing problems resulting from the use of alcohol or other drugs or to prevent
23 alcohol or other drug abuse by minors. The department shall:

SECTION 35. 165.85 (5m) ~~of the statutes is amended to read~~

repealed.

24
change component

1 165.85 (5m) (b) 1. Determine the total reimbursement payments made to the
2 political subdivision under s. 20.455 (2) (j), 1991 stats., in fiscal years 1987–88 and
3 1988–89.

4 **SECTION 36.** 165.85 (5m) (d) 1. of the statutes is amended to read:

5 165.85 (5m) (d) 1. Estimate what the total cash balance in the appropriation
6 account under s. 20.455 (2) (i), 1991 stats., will be at the end of the 1990–91 fiscal
7 year.

8 **SECTION 37.** 165.85 (5m) (d) 2. of the statutes is amended to read:

9 165.85 (5m) (d) 2. Estimate the portion of the total cash balance that must be
10 carried over to the 1991–92 fiscal year to support the expenditures in the 1991–92
11 fiscal year under s. 20.455 (2) (j), (ja) and (jb), 1991 stats.

12 **SECTION 38.** 165.87 (1) (title) of the statutes is repealed.

13 **SECTION 39.** 165.87 (1) (a) of the statutes is renumbered 165.87 and amended
14 to read:

15 **165.87 Law enforcement training fund.** ~~Twenty seven fifty fifths of all~~
16 ~~moneys~~ Moneys collected from penalty assessments under ~~this section shall be~~
17 ~~credited s. 757.05 and transferred~~ to the appropriation account under s. 20.455 (2)
18 ~~(i) and utilized (kp) and (kq) shall be used~~ in accordance with ~~ss. 20.455 (2) and s.~~

19 165.85 (5) [↓] and (5m) ^{↓ ↓}. ~~The moneys credited to the appropriation account under s.~~
20 ~~20.455 (2) (i), except for the moneys transferred to s. 20.455 (2) (jb), and shall~~
21 constitute the law enforcement training fund.

****NOTE: This section is superfluous to the language already contained in the cross-referenced appropriations. Also, the reference to a law enforcement training "fund" is confusing because it is not a ch. 25 segregated fund; rather, it consists of moneys appropriated in specified appropriation accounts. Accordingly, I suggest that the draft simply repeal all of s. 165.87 (1), stats.

22 **SECTION 40.** 165.87 (1) (b) of the statutes is repealed.

- 1 **SECTION 41.** 165.87 (1) (bn) of the statutes is repealed.
- 2 **SECTION 42.** 165.87 (1) (bp) of the statutes is repealed.
- 3 **SECTION 43.** 165.87 (1) (br) of the statutes is repealed.
- 4 **SECTION 44.** 165.87 (1) (c) of the statutes is repealed.
- 5 **SECTION 45.** 165.87 (2) of the statutes is renumbered 757.05.
- 6 **SECTION 46.** 165.90 of the statutes is repealed.

 ****NOTE: This draft repeals s. 165.90, stats., because all of its supporting appropriations are repealed by the draft. (See the treatment of s. 20.455 (2) (d), (hm), (hn) and (ho), stats.) If another budget draft creates new appropriations to fund s. 165.90, stats., that draft will amend s. 165.90 (4), stats., and its provisions will supersede the repeal of s. 165.90, stats., in this draft.

- 7 **SECTION 47.** 165.92 (3) (a) of the statutes is amended to read:
- 8 165.92 (3) (a) Unless otherwise provided in a ~~joint program plan under s.~~
- 9 ~~165.90 (2) or~~ an agreement between a political subdivision of this state and a tribe,
- 10 the tribe that employs a tribal law enforcement officer is liable for all acts of the
- 11 officer while acting within the scope of his or her employment and neither the state
- 12 nor any political subdivision of the state may be held liable for any action of the officer
- 13 taken under the authority of sub. (2) (a).

 ****NOTE: This draft strikes a reference to s. 165.90, stats., because of the repeal of s. 165.90, stats., by this draft. If s. 165.90, stats., is not repealed this SECTION should be deleted.

- 14 **SECTION 48.** 289.33 (3) (d) of the statutes is amended to read:
- 15 289.33 (3) (d) "Local approval" includes any requirement for a permit, license,
- 16 authorization, approval, variance or exception or any restriction, condition of
- 17 approval or other restriction, regulation, requirement or prohibition imposed by a
- 18 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by
- 19 a town, city, village, county or special purpose district, including without limitation
- 20 because of enumeration any ordinance, resolution or regulation adopted under s.

1 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9),
2 (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27),
3 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19), (20) and (23),
4 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), ~~(12)~~, (16),
5 (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4), (5) and (6), 59.56
6 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and
7 (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8),
8 (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and
9 (11), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35, 61.351, 61.354,
10 62.11, 62.23, 62.231, 62.234, 66.01, 66.052, 66.24 (8), 87.30, 91.73, 196.58, 236.45,
11 281.43 or 349.16 or subch. VIII of ch. 60.

****NOTE: This draft strikes a reference to s. 59.54 (12), stats., because of the repeal
of s. 59.54 (12), stats., by this draft. If s. 59.54 (12), stats., is not repealed this SECTION
should be deleted.

12 **SECTION 49.** 345.26 (1) (b) 1. of the statutes is amended to read:

13 345.26 (1) (b) 1. If the person makes a deposit for a violation of a traffic
14 regulation, the person need not appear in court at the time fixed in the citation, and
15 the person will be deemed to have tendered a plea of no contest and submitted to a
16 forfeiture and a penalty assessment, if required by s. ~~165.87~~ 757.05, a jail
17 assessment, if required by s. 302.46 (1), a railroad crossing improvement
18 assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a crime laboratories
19 and drug law enforcement assessment, if required by s. 165.755, plus any applicable
20 fees prescribed in ch. 814, not to exceed the amount of the deposit that the court may
21 accept as provided in s. 345.37; and

22 **SECTION 50.** 345.37 (2) of the statutes is amended to read:

1 345.37 (2) If the defendant has made a deposit under s. 345.26, the citation may
2 serve as the initial pleading and the defendant shall be deemed to have tendered a
3 plea of no contest and submitted to a forfeiture and a penalty assessment, if required
4 by s. ~~165.87~~ 757.05, a jail assessment, if required by s. 302.46 (1), a railroad crossing
5 improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a
6 crime laboratories and drug law enforcement assessment, if required by s. 165.755,
7 plus costs, including any applicable fees prescribed in ch. 814, not exceeding the
8 amount of the deposit. The court may either accept the plea of no contest and enter
9 judgment accordingly, or reject the plea and issue a summons under ch. 968. If the
10 defendant fails to appear in response to the summons, the court shall issue a warrant
11 under ch. 968. If the court accepts the plea of no contest, the defendant may move
12 within 6 months after the date set for the appearance to withdraw the plea of no
13 contest, open the judgment and enter a plea of not guilty upon a showing to the
14 satisfaction of the court that the failure to appear was due to mistake, inadvertence,
15 surprise or excusable neglect. If on reopening the defendant is found not guilty, the
16 court shall immediately notify the department to delete the record of conviction
17 based on the original proceeding and shall order the defendant's deposit returned.

18 **SECTION 51.** 345.37 (5) of the statutes is amended to read:

19 345.37 (5) Within 5 working days after forfeiture of deposit or entry of default
20 judgment, the official receiving the forfeiture, the penalty assessment, if required by
21 s. ~~165.87~~ 757.05, the jail assessment, if required by s. 302.46 (1), the railroad crossing
22 improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the
23 crime laboratories and drug law enforcement assessment, if required by s. 165.755,
24 shall forward to the department a certification of the entry of default judgment or a
25 judgment of forfeiture.

1 **SECTION 52.** 345.375 (2) of the statutes is amended to read:

2 345.375 (2) Upon default of the defendant corporation or limited liability
3 company or upon conviction, judgment for the amount of the forfeiture, the penalty
4 assessment, if required under s. ~~165.87~~ 757.05, the jail assessment, if required by s.
5 302.46 (1), and the crime laboratories and drug law enforcement assessment, if
6 required under s. 165.755, shall be entered.

7 **SECTION 53.** 345.47 (1) (intro.) of the statutes is amended to read:

8 345.47 (1) (intro.) If the defendant is found guilty, the court may enter
9 judgment against the defendant for a monetary amount not to exceed the maximum
10 forfeiture, penalty assessment, if required by s. ~~165.87~~ 757.05, the jail assessment,
11 if required by s. 302.46 (1), the railroad crossing improvement assessment, if
12 required by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug
13 law enforcement assessment, if required by s. 165.755, provided for the violation and
14 for costs under s. 345.53 and, in addition, may suspend or revoke his or her operating
15 privilege under s. 343.30. If the judgment is not paid, the court shall order:

16 **SECTION 54.** 345.47 (1) (b) of the statutes is amended to read:

17 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension
18 or revocation, that the defendant's operating privilege be suspended for 30 days or
19 until the person pays the forfeiture, the penalty assessment, if required by s. ~~165.87~~
20 757.05, the jail assessment, if required by s. 302.46 (1), the railroad crossing
21 improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the
22 crime laboratories and drug law enforcement assessment, if required by s. 165.755,
23 but not to exceed 5 years. Suspension under this paragraph shall not affect the power
24 of the court to suspend or revoke under s. 343.30 or the power of the secretary to
25 suspend or revoke the operating privilege.

1 **SECTION 55.** 345.47 (1) (c) of the statutes is amended to read:

2 345.47 (1) (c) If a court or judge suspends an operating privilege under this
3 section, the court or judge shall immediately take possession of the suspended license
4 and shall forward it to the department together with the notice of suspension, which
5 shall clearly state that the suspension was for failure to pay a forfeiture, a penalty
6 assessment, if required by s. ~~165.87~~ 757.05, a jail assessment, if required by s. 302.46
7 (1), a railroad crossing improvement assessment, if required by s. 346.177, 346.495
8 or 346.65 (4r), and a crime laboratories and drug law enforcement assessment, if
9 required by s. 165.755, imposed by the court. The notice of suspension and the
10 suspended license, if it is available, shall be forwarded to the department within 48
11 hours after the order of suspension. If the forfeiture, penalty assessment, jail
12 assessment, railroad crossing improvement assessment and crime laboratories and
13 drug law enforcement assessment are paid during a period of suspension, the court
14 or judge shall immediately notify the department. Upon receipt of the notice and
15 payment of the reinstatement fee under s. 343.21 (1) (j), the department shall return
16 the surrendered license.

17 **SECTION 56.** 345.49 (1) of the statutes is amended to read:

18 345.49 (1) Any person imprisoned under s. 345.47 for nonpayment of a
19 forfeiture, a penalty assessment, if required by s. ~~165.87~~ 757.05, a jail assessment,
20 if required by s. 302.46 (1), a railroad crossing improvement assessment, if required
21 by s. 346.177, 346.495 or 346.65 (4r), or a crime laboratories and drug law
22 enforcement assessment, if required by s. 165.755, may, on request, be allowed to
23 work under s. 303.08. If the person does work, earnings shall be applied on the
24 unpaid forfeiture, penalty assessment, jail assessment, railroad crossing
25 improvement assessment or crime laboratories and drug law enforcement

1 assessment after payment of personal board and expenses and support of personal
2 dependents to the extent directed by the court.

3 **SECTION 57.** 345.61 (2) (c) of the statutes is amended to read:

4 345.61 (2) (c) “Guaranteed arrest bond certificate” as used in this section means
5 any printed card or other certificate issued by an automobile club, association or
6 insurance company to any of its members or insureds, which card or certificate is
7 signed by the member or insureds and contains a printed statement that the
8 automobile club, association or insurance company and a surety company, or an
9 insurance company authorized to transact both automobile liability insurance and
10 surety business, guarantee the appearance of the persons whose signature appears
11 on the card or certificate and that they will in the event of failure of the person to
12 appear in court at the time of trial, pay any fine or forfeiture imposed on the person,
13 including the penalty assessment required by s. ~~165.87~~ 757.05, the jail assessment
14 required by s. 302.46 (1), the railroad crossing improvement assessment required by
15 s. 346.177, 346.495 or 346.65 (4r) and the crime laboratories and drug law
16 enforcement assessment required by s. 165.755, in an amount not exceeding \$200,
17 or \$1,000 as provided in sub. (1) (b).

18 **SECTION 58.** 778.02 of the statutes is amended to read:

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

1 imposed under s. 253.06 (4) (c) or (5) (c) and any applicable domestic abuse
2 assessment imposed by s. 973.055 (1). If the statute imposes a forfeiture for several
3 offenses or delinquencies the complaint shall specify the particular offense or
4 delinquency for which the action is brought, with a demand for judgment for the
5 amount of the forfeiture, penalty assessment, jail assessment, crime laboratories
6 and drug law enforcement assessment, any applicable enforcement assessment and
7 any applicable domestic abuse assessment. If the defendant is a nonresident of the
8 state, an attachment may issue.

9 **SECTION 59.** 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) and any
17 applicable domestic abuse assessment imposed by s. 973.055 (1).

18 **SECTION 60.** 778.06 of the statutes is amended to read:

19 **778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a
20 specific sum or when it is not less than one sum or more than another, the action may
21 be brought for the highest sum specified and for the penalty assessment imposed by
22 s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories
23 and drug law enforcement assessment imposed by s. 165.755, the enforcement
24 assessment imposed under s. 253.06 (4) (c) or (5) (c) and any applicable domestic

1 abuse assessment imposed by s. 973.055 (1); and judgment may be rendered for such
2 sum as the court or jury shall assess or determine to be proportionate to the offense.

3 **SECTION 61.** 778.10 of the statutes is amended to read:

4 **778.10 Municipal forfeitures, how recovered.** All forfeitures imposed by
5 any ordinance or regulation of any county, town, city or village, or of any other
6 domestic corporation may be sued for and recovered, under this chapter, in the name
7 of the county, town, city, village or corporation. It is sufficient to allege in the
8 complaint that the defendant is indebted to the plaintiff in the amount of the
9 forfeiture claimed, specifying the ordinance or regulation that imposes it and of the
10 penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s.
11 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by
12 s. 165.755 and any applicable domestic abuse assessment imposed by s. 973.055 (1).
13 If the ordinance or regulation imposes a penalty or forfeiture for several offenses or
14 delinquencies the complaint shall specify the particular offenses or delinquency for
15 which the action is brought, with a demand for judgment for the amount of the
16 forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment
17 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
18 assessment imposed by s. 165.755 and any applicable domestic abuse assessment
19 imposed by s. 973.055 (1). All moneys collected on the judgment shall be paid to the
20 treasurer of the county, town, city, village or corporation, except that all jail
21 assessments shall be paid to the county treasurer.

22 **SECTION 62.** 778.105 of the statutes is amended to read:

23 **778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by
24 any court or any branch thereof for the violation of any municipal or county
25 ordinance shall be paid to the municipality or county. Penalty assessment payments

1 shall be made as provided in s. ~~165.87~~ 757.05. Jail assessment payments shall be
2 made as provided in s. 302.46 (1). Crime laboratories and drug law enforcement
3 assessment payments shall be paid as provided in s. 165.755. Domestic abuse
4 assessments shall be made as provided in s. 973.055.

5 **SECTION 63.** 778.13 of the statutes is amended to read:

6 **778.13 Forfeitures collected, to whom paid.** All moneys collected in favor
7 of the state for forfeiture, except the portion to be paid to any person who sues with
8 the state, shall be paid by the officer who collects the forfeiture to the treasurer of the
9 county within which the forfeiture was incurred within 20 days after its receipt. In
10 case of any failure in the payment the county treasurer may collect the payment of
11 the officer by action, in the name of the office and upon the official bond of the officer,
12 with interest at the rate of 12% per year from the time when it should have been paid.
13 Penalty assessment payments shall be made as provided in s. ~~165.87~~ 757.05. Jail
14 assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories
15 and drug law enforcement assessment payments shall be paid as provided in s.
16 165.755. Domestic abuse assessments shall be made as provided in s. 973.055.
17 Enforcement assessments shall be made as provided in s. 253.06 (4) (c).

18 **SECTION 64.** 778.18 of the statutes is amended to read:

19 **778.18 Penalty upon municipal judge.** If any municipal judge, of his or her
20 own will, dismisses any action brought before the judge under this chapter, unless
21 by order of the district attorney or attorney general or the person joined as plaintiff
22 with the state, or renders a less judgment therein than is prescribed by law, or
23 releases or discharges any such judgment or part thereof without payment or
24 collection, the judge and the judge's sureties shall be liable, in an action upon the
25 judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture

1 imposed by the judge and for the penalty assessment imposed by s. ~~165.87~~ 757.05,
2 the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law
3 enforcement assessment imposed by s. 165.755 and any applicable domestic abuse
4 assessment imposed by s. 973.055 (1), or for an amount equal to the amount in which
5 any such judgment or any part thereof is released or discharged. If any municipal
6 judge gives time or delay to any person against whom any such judgment is rendered
7 by the judge, or takes any bond or security for its future payment, the judge and the
8 judge's sureties shall also be liable for the payment of the judgment upon the judge's
9 bond.

10 **SECTION 65.** 800.03 (3) of the statutes is amended to read:

11 800.03 (3) The amount of the deposit shall be set by the municipal judge, but
12 shall not be effective until approved by the governing body of the municipality. The
13 amount shall not exceed the maximum penalty for the offense, including any penalty
14 assessment that would be applicable under s. ~~165.87~~ 757.05, any jail assessment that
15 would be applicable under s. 302.46 (1), any crime laboratories and drug law
16 enforcement assessment that would be applicable under s. 165.755 and any domestic
17 abuse assessment that would be applicable under s. 973.055 (1), plus court costs,
18 including the fee prescribed in s. 814.65 (1).

19 **SECTION 66.** 800.04 (2) (b) of the statutes is amended to read:

20 800.04 (2) (b) If the municipal judge determines that the defendant should not
21 be released under par. (a) and the defendant is charged with a traffic or boating
22 violation, the municipal judge shall release the defendant on a deposit in the amount
23 established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66.
24 For other violations, the municipal judge shall establish a deposit in an amount not
25 to exceed the maximum penalty for the offense, including any penalty assessment

1 that would be applicable under s. ~~165.87~~ 757.05, any jail assessment that would be
2 applicable under s. 302.46 (1), any crime laboratories and drug law enforcement
3 assessment that would be applicable under s. 165.755 and any domestic abuse
4 assessment that would be applicable under s. 973.055 (1). If the judge in a 1st class
5 city determines that a defendant appearing before the judge through interactive
6 video and audio transmission should not be released under par. (a), the judge shall
7 inform the defendant that he or she has the right to appear personally before a judge
8 for a determination, not prejudiced by the first appearance, as to whether he or she
9 should be released without a deposit. On failure of the defendant to make a deposit
10 under this paragraph, he or she may be committed to jail pending trial only if the
11 judge finds that there is a reasonable basis to believe the person will not appear in
12 court.

13 **SECTION 67.** 800.04 (2) (c) of the statutes is amended to read:

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

1 court shall issue a warrant under s. 968.09. If the defendant has made a deposit but
2 does appear, the court shall allow the defendant to withdraw the plea of no contest.

3 **SECTION 68.** 800.09 (1) (intro.) of the statutes is amended to read:

4 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it
5 may render judgment by ordering restitution under s. 800.093 and payment of a
6 forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment
7 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
8 assessment imposed by s. 165.755 and any applicable domestic abuse assessment
9 imposed by s. 973.055 (1) plus costs of prosecution, including the fee prescribed in s.
10 814.65 (1). The court shall apply any payment received on a judgment that includes
11 restitution to first satisfy any payment of restitution ordered, then to pay the
12 forfeiture, assessments and costs. If the judgment is not paid, the court may proceed
13 under par. (a), (b) or (c) or any combination of those paragraphs, as follows:

14 **SECTION 69.** 800.12 (2) of the statutes is amended to read:

15 800.12 (2) A municipality may by ordinance provide that a municipal judge
16 may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50
17 or, upon nonpayment of the forfeiture, penalty assessment under s. ~~165.87~~ 757.05,
18 jail assessment under s. 302.46 and crime laboratories and drug law enforcement
19 assessment under s. 165.755 and any applicable domestic abuse assessment under
20 s. 973.055 (1), a jail sentence not to exceed 7 days.

21 **SECTION 70.** 814.60 (2) (a) of the statutes is amended to read:

22 814.60 (2) (a) Penalty assessment imposed by s. ~~165.87~~ 757.05;

23 **SECTION 71.** 814.63 (3) (a) of the statutes is amended to read:

24 814.63 (3) (a) Penalty assessment imposed by s. ~~165.87~~ 757.05.

25 **SECTION 72.** 950.06 (2) of the statutes is amended to read:

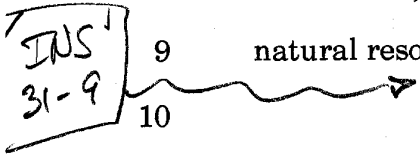
1 950.06 (2) The costs of providing services under sub. (1m) shall be paid for by
2 the county, but the county is eligible to receive reimbursement from the state for not
3 more than 90% of the costs incurred in providing those services. The department
4 shall determine the level of services for which a county may be reimbursed. The
5 county board shall file a claim for reimbursement with the department. The
6 department shall reimburse counties under this subsection from the appropriation
7 under s. 20.455 (5) (kk) and (kp) and, on a semiannual basis, from the appropriations
8 under s. 20.455 (5) (c) and (g).

9 **SECTION 73.** 973.05 (1) of the statutes is amended to read:

10 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant
11 permission for the payment of the fine, of the penalty assessment imposed by s.
12 ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime victim and
13 witness assistance surcharge under s. 973.045, the crime laboratories and drug law
14 enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid
15 analysis surcharge under s. 973.046, any applicable drug abuse program
16 improvement surcharge imposed by s. 961.41 (5), any applicable domestic abuse
17 assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver
18 improvement surcharge imposed by s. 346.655, any applicable enforcement
19 assessment imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed
20 by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4),
21 any applicable environmental assessment imposed by s. 299.93, any applicable wild
22 animal protection assessment imposed by s. 29.983, any applicable natural resources
23 assessment imposed by s. 29.987 and any applicable natural resources restitution
24 payment imposed by s. 29.989 to be made within a period not to exceed 60 days. If
25 no such permission is embodied in the sentence, 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 domestic abuse assessment, any applicable driver
5 improvement surcharge, any applicable enforcement assessment, any applicable
6 weapons assessment, any applicable uninsured employer assessment, any
7 applicable environmental assessment, any applicable wild animal protection
8 assessment, any applicable natural resources assessment and any applicable
9 natural resources restitution payment shall be payable immediately.

INS
31-9



10

(END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1265/2ins
JEO:.....

1 **INSERT 2-14:**

2 (2) SUPPLEMENTATION. (a) An agency may request the secretary to supplement
3 a sum certain program revenue-service appropriation specified under s. 20.505 (6)
4 (j) 1. to 15. if the agency believes that the appropriation is either insufficient because
5 of unforeseen emergencies or insufficient to accomplish the purpose for which made.
6 The secretary shall review the agency's request and may propose to supplement the
7 appropriation if the secretary determines that the funds required to be transferred
8 under the applicable subdivision of s. 20.505 (6) (j) are insufficient and that the
9 purposes for which a supplemental appropriation is requested have been authorized
10 or directed by the legislature.

11 (b) If the secretary proposes to supplement an appropriation under par. (a), the
12 secretary shall notify the joint committee on finance in writing of the proposed
13 action. If the cochairpersons of the committee do not notify the secretary within 14
14 working days after the date of the secretary's notification that the committee has
15 scheduled a meeting for the purpose of reviewing the action, the action may be taken
16 as proposed by the secretary. If, within 14 working days after the date of the
17 secretary's notification, the cochairpersons of the committee notify the secretary that
18 the committee has scheduled a meeting for the purpose of reviewing the proposed
19 action, the action may be taken only upon approval of the committee.

20 (c) All supplements proposed under this subsection shall be paid from the
21 appropriation under s. 20.865 (8) (k).

22 SECTION 1. 16.515 (3) of the statutes is amended to read:

1 16.515 (3) This section does not apply to supplementation of the appropriation
2 under s. [✓]16.495 (2) [✓]or 20.370 (2) (bg) or (8) (mg).

3 History: 1981 c. 20; 1989 a. 31; 1991 a. 269; 1993 a. 16.

INSERT 7-3:

4 20.505 (6) (kp) [✓]*Anti-drug enforcement program, penalty assessment — local.*
5 ~~All moneys received from the penalty assessment surcharge on court fines and~~
6 ~~forfeitures as allocated under s. 165.87 (1) The amounts in the schedule to match~~
7 ~~federal funds made available under subtitle K of title I of P.L. 99-570, except as~~
8 ~~provided in par. (h) and s. 20.410 (3) (kj). The executive staff director of the office of~~
9 ~~justice assistance may transfer moneys not needed as matching funds under this~~
10 ~~paragraph to par. (h). The secretary of administration shall transfer \$645,000 from~~
11 ~~this paragraph to s. 20.410 (3) (kj) in each fiscal year. The secretary of administration~~
12 ~~shall transfer \$200,000 in fiscal year 1997-98 and \$200,000 in fiscal year 1998-99~~
13 ~~from this paragraph to the appropriation account under s. 20.455 (2) (k) for a drug~~
14 ~~enforcement tactical intelligence unit and shall transfer \$948,800 in fiscal year~~
15 ~~1998-99 from this paragraph to the appropriation account under s. 20.455 (2) (k) for~~
16 ~~a drug enforcement strategic intelligence unit. All moneys transferred from the~~
17 ~~appropriation account under ^{par.}~~s. 20.505 (6) (j)~~ shall be credited to this appropriation~~
18 ~~account.~~

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593g to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 408; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692; 1997 a. 237, 283.

INSERT 9-10:

19
20 13. The amount transferred to ^{par.}~~s. 20.505 (6) (k)~~ [✓](k) shall be one-twelfth of the
21 amount in the schedule under ^{par.}~~s. 20.505 (6) (k)~~ [✓](k).

22 14. The amount transferred to ^{par.}~~s. 20.505 (6) (kt)~~ [✓](kt) shall be one-twelfth of the
23 amount in the schedule under ^{par.}~~s. 20.505 (6) (kt)~~ [✓](kt).

INSERT 9-13:

SECTION 2. 20.505 (6) (k) of the statutes is amended to read:

20.505 (6) (k) ~~Anti-drug Law enforcement program assistance — administration. All moneys received from any state agency for planning, programs and administration regarding anti-drug abuse~~ The amounts in the schedule for the purpose of administering federal grants for law enforcement assistance. All moneys transferred from the appropriation account under s. 20.505 (6) (j) 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.

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 247 to 229m, 253, 666g to 692; 1997 a. 237, 283.

INSERT 9-20:

SECTION 3. 20.865 (8) (k) of the statutes is created to read:

20.865 (8) (k) *Supplementation of program revenue-service appropriations funded by penalty assessments.* From the appropriation account under s. 20.505 (6) (j), a sum sufficient to supplement sum certain program revenue-service appropriations as provided under s. 16.495 (2).

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

INSERT 31-9:

SECTION 9230. Appropriation changes; justice.

(1) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. The unencumbered balance in the appropriation account under section 20.455 (2) (hn), 1997 stats., is transferred to the appropriation account under section 20.505 (6) (j) ^{of the statutes} as created by this act.

****NOTE: This draft does not provide for the transfer of the unencumbered balance in the appropriation accounts under s. 20.455 (2) (hm) and (ho), stats., because those appropriation accounts are being renumbered in LRB-1554. If LRB-1554 is not included in the budget bill, this draft may need to be changed to include the transfer of the

unencumbered balance in the appropriation accounts under s. 20.455 (2) (hm) and (ho),
stats.

- 1 (2) PENALTY ASSESSMENT RECEIPTS. The unencumbered balance in the
- 2 appropriation account under section 20.455 (2) (i), 1997 stats., is transferred to the
- 3 appropriation account under section 20.455 (2) (kp) as affected by this act.

1265

- ✓ 1. preparation
- ✓ 2. specific Amt
- ✓ 3. \$ change (km) not (hr)

1534

✓ RN/(hr) not (km)

✓ (km) 90% to (6)(j)
10% to (2)(kt)
455

✓ (i) 90% to (6)(j)
10% to 455 (2)(kp)

✓ 4. 255(2)(g) 90% → (6)(j)
255(1)(hr) " "
550(1)(j) " "

the bill no penalty assessment moneys will be provided to fund county-tribal law enforcement projects. The bill also provides that penalty assessment moneys will be used for several new purposes, including information technology systems for the department of corrections (DOC), automated justice information systems and reimbursement to counties for the costs of providing crime victim and witness services.

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.** 16.495 of the statutes is created to read:

2 **16.495 Transfer of penalty assessment surcharge receipts. (1)**

3 **PRORATION.** On or before the 10th day of each month, the secretary shall calculate the
4 unencumbered balance in the appropriation account under s. 20.505 (6) (j) as of the
5 5th day of that month. If the unencumbered balance in the appropriation account
6 is not sufficient to fully fund the amounts required to be transferred on the 15th day
7 of the month under s. 20.505 (6) (j), the secretary first shall transfer the full amounts
8 required to be transferred under s. 20.505 (6) (j) 1. to 3. and then shall transfer any
9 remaining unencumbered balance on a prorated basis to the appropriation accounts
10 specified under s. 20.505 (6) (j) 4. to 15. The secretary shall base the proration on the
11 proportion that the amount that is required to be transferred to each appropriation
12 account on the 15th day of the month bears to the total amount that is required to
13 be transferred on the 15th day of the month to all of the appropriation accounts under
14 s. 20.505 (6) (j) 4. to 15. *prorate according?*

15 **(2) SUPPLEMENTATION.** (a) An agency may request the secretary to supplement
16 a sum certain program revenue-service appropriation specified under s. 20.505 (6)
17 (j) 1. to 15. if the agency believes that the appropriation is either insufficient because
18 of unforeseen emergencies or insufficient to accomplish the purpose for which made.

1 The division shall annually report to the legislature under s. 13.172 (2) concerning
2 the division's efforts to improve and increase the efficiency of integration of justice
3 information systems.

4 SECTION 4. 20.255 (1) (hr) of the statutes is renumbered 20.255 (1) (kd) and
5 amended to read:

through out

to this appropriation account

6 20.255 (1) (kd) ~~Alcohol and other drug abuse program. All moneys received~~
7 ~~under s. 165.87 (1) The amounts in the schedule~~ for the purpose of s. 115.36 (2) and
8 the administration of s. 115.36 (3). All moneys transferred from the appropriation
9 account under s. 20.505 (6) (j) 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.

10 SECTION 5. 20.255 (2) (g) of the statutes is renumbered 20.255 (2) (kd) and
11 amended to read:

12 20.255 (2) (kd) ~~Aid for alcohol and other drug abuse programs. All moneys~~
13 ~~received under s. 165.87 (1) The amounts in the schedule~~ for the purpose of s. 115.36
14 (3). All moneys transferred from the appropriation account under s. 20.505 (6) (j)
15 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.

16 SECTION 6. 20.410 (1) (jp) of the statutes is renumbered 20.410 (1) (kp) and
17 amended to read:

18 20.410 (1) (kp) ~~Correctional officer training. The amounts in the schedule to~~
19 ~~finance correctional officers training under s. 301.28. All moneys received from the~~
20 ~~penalty assessment surcharge on court fines and forfeitures as allocated transferred~~
21 from the appropriation account under s. 165.87 (1) 20.505 (6) (j) shall be credited to
22 this appropriation account.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1265/Z
JEO:wlj&jlg:jf

Soon

2
redraft
material
run

DOA:.....Statz - Distribution of funds collected from the penalty assessment
FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

do not gen

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

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

With certain exceptions, current law imposes a penalty assessment on any person who is ordered to pay a fine or forfeiture for violating a state law or a local ordinance. The penalty assessment is set at 23% of the total amount of the fines or forfeitures imposed for the violation. The moneys collected from penalty assessments are currently credited directly to various appropriation accounts based on a formula in the statutes and the appropriation accounts specify the purposes for which the moneys may be used. These purposes currently include the following: 1) training for local law enforcement officers; 2) correctional officer training; 3) purchase of crime laboratory equipment; 4) matching federal funds provided for drug law enforcement; 5) county-tribal law enforcement projects; 6) diversion of youth from gang activities; 7) alcohol and other drug abuse prevention and treatment for minors; and 8) training for the state public defenders office.

This bill provides that, instead of being credited to specific appropriation accounts based on a statutory formula, all moneys collected from penalty assessments will be credited to a single appropriation account in the department of administration's office of justice assistance (OJA). Specified amounts of the moneys in this OJA appropriation account will then be transferred to other appropriation accounts to be used for the same purposes as under current law, except that under

the bill no penalty assessment moneys will be provided to fund county-tribal law enforcement projects. The bill also provides that penalty assessment moneys will be used for several new purposes, including information technology systems for the department of corrections (DOC), automated justice information systems and reimbursement to counties for the costs of providing crime victim and witness services.

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.** 16.495 of the statutes is created to read:

2 **16.495 Transfer of penalty assessment surcharge receipts. (1)**

3 PRORATION. On or before the 10th day of each month, the secretary shall calculate the
4 unencumbered balance in the appropriation account under s. 20.505 (6) (j) as of the
5 5th day of that month. If the unencumbered balance in the appropriation account
6 is not sufficient to fully fund the amounts required to be transferred on the 15th day
7 of the month under s. 20.505 (6) (j), the secretary first shall transfer the full amounts
8 required to be transferred under s. 20.505 (6) (j) 1. to 3. and then shall transfer any
9 remaining unencumbered balance ~~on a prorated basis~~ ^{prorated in} to the appropriation accounts
10 specified under s. 20.505 (6) (j) 4. to 15. ~~The secretary shall base the proration on the~~
11 ^{Same} proportion ^{as} ~~that~~ the amount that is required to be transferred to ~~each~~ ^{the} appropriation
12 account on the 15th day of the month bears to the total amount that is required to
13 be transferred on the 15th day of the month to all of the appropriation accounts under
14 s. 20.505 (6) (j) 4. to 15.

15 **(2) SUPPLEMENTATION.** (a) An agency may request the secretary to supplement
16 a sum certain program revenue-service appropriation specified under s. 20.505 (6)
17 (j) 1. to 15. if the agency believes that the appropriation is either insufficient because
18 of unforeseen emergencies or insufficient to accomplish the purpose for which made.

1 The secretary shall review the agency's request and may propose to supplement the
2 appropriation if the secretary determines that the funds required to be transferred
3 under the applicable subdivision of s. 20.505 (6) (j) are insufficient and that the
4 purposes for which a supplemental appropriation is requested have been authorized
5 or directed by the legislature.

6 (b) If the secretary proposes to supplement an appropriation under par. (a), the
7 secretary shall notify the joint committee on finance in writing of the proposed
8 action. If the cochairpersons of the committee do not notify the secretary within 14
9 working days after the date of the secretary's notification that the committee has
10 scheduled a meeting for the purpose of reviewing the action, the action may be taken
11 as proposed by the secretary. If, within 14 working days after the date of the
12 secretary's notification, the cochairpersons of the committee notify the secretary that
13 the committee has scheduled a meeting for the purpose of reviewing the proposed
14 action, the action may be taken only upon approval of the committee.

15 (c) All supplements proposed under this subsection shall be paid from the
16 appropriation under s. 20.865 (8) (k).

17 **SECTION 2.** 16.515 (3) of the statutes is amended to read:

18 16.515 (3) This section does not apply to supplementation of the appropriation
19 under s. 16.495 (2) or 20.370 (2) (bg) or (8) (mg).

20 **SECTION 3.** 16.971 (9) of the statutes is amended to read:

21 16.971 (9) In conjunction with the public defender board, the director of state
22 courts, the departments of corrections and justice and district attorneys, the division
23 may maintain, promote and coordinate automated justice information systems that
24 are compatible among counties and the officers and agencies specified in this
25 subsection, using the moneys appropriated under s. 20.505 (1) (ja) and, (kp) and (kq).

1 The division shall annually report to the legislature under s. 13.172 (2) concerning
2 the division's efforts to improve and increase the efficiency of integration of justice
3 information systems.

4 SECTION 4. 20.255 (1) (hr) of the statutes is renumbered 20.255 (1) (kd) and
5 amended to read:

6 20.255 (1) (kd) *Alcohol and other drug abuse program.* ~~All moneys received~~
7 ~~under s. 165.87 (1)~~ The amounts in the schedule for the purpose of s. 115.36 (2) and
8 the administration of s. 115.36 (3). All moneys transferred from the appropriation
9 account under s. 20.505 (6) (j) 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.

to this appropriation account ✓

10 SECTION 5. 20.255 (2) (g) of the statutes is renumbered 20.255 (2) (kd) and
11 amended to read:

12 20.255 (2) (kd) *Aid for alcohol and other drug abuse programs.* ~~All moneys~~
13 ~~received under s. 165.87 (1)~~ The amounts in the schedule for the purpose of s. 115.36
14 (3). All moneys transferred from the appropriation account under s. 20.505 (6) (j)
15 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.

16 SECTION 6. 20.410 (1) (jp) of the statutes is renumbered 20.410 (1) (kp) and
17 amended to read:

18 20.410 (1) (kp) *Correctional officer training.* The amounts in the schedule to
19 finance correctional officers training under s. 301.28. All moneys received from the
20 ~~penalty assessment surcharge on court fines and forfeitures as allocated~~ transferred
21 from the appropriation account under s. 165.87 (1) 20.505 (6) (j) shall be credited to
22 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.

1 SECTION 7. 20.410 (1) (kv) of the statutes is created to read:

2 20.410 (1) (kv) *Information technology*. The amounts in the schedule for the
3 purpose of maintaining, developing and operating information systems. All moneys

4 transferred from the appropriation account under s. 20.505 (6) (j) shall be credited
5 to this appropriation account. ✓ 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.

6 SECTION 8. 20.410 (3) (kj) of the statutes is amended to read:

7 20.410 (3) (kj) *Youth diversion program*. ~~Biennially, the~~ The amounts in the
8 schedule for youth diversion services under s. 301.265 (1) and (3). All moneys

9 transferred from the appropriation account under s. 20.505 (6) (g) (j) shall be credited
10 to this appropriation account. ✓ 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.

11 SECTION 9. 20.455 (2) (d) of the statutes is repealed.

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

12 SECTION 10. 20.455 (2) (hm) of the statutes is repealed.

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

13 SECTION 11. 20.455 (2) (hn) of the statutes is repealed.

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

14 SECTION 12. 20.455 (2) (ho) of the statutes is repealed.

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

15 SECTION 13. 20.455 (2) (i) of the statutes is repealed.

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

1 SECTION 14. 20.455 (2) (j) of the statutes is renumbered 20.455 (2) (kp) and
2 amended to read:

3 20.455 (2) (kp) *Law enforcement training fund, local assistance.* The amounts
4 in the schedule to finance local law enforcement training as provided in s. 165.85 (5)
5 (b) ~~and (5m)~~. All moneys transferred from ~~par. (i)~~ the appropriation account under
6 s. 20.505 (6) (j) 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.

to this
appropria-
tion
account ✓

7 SECTION 15. 20.455 (2) (ja) of the statutes is renumbered 20.455 (2) (kq) and
8 amended to read:

9 20.455 (2) (kq) *Law enforcement training fund, state operations.* The amounts
10 in the schedule to finance state operations associated with the administration of the
11 law enforcement training fund and to finance training for state law enforcement
12 personnel, as provided in s. 165.85 (5) (b). All moneys transferred from ~~par. (i)~~ the
13 appropriation account under s. 20.505 (6) (j) shall be credited to this appropriation
14 account.

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

15 SECTION 16. 20.455 (2) (jb) of the statutes is renumbered 20.455 (2) (kr) and
16 amended to read:

17 20.455 (2) (kr) *Crime laboratory equipment and supplies.* ~~Biennially, the~~ The
18 amounts in the schedule for the maintenance, repair, upgrading and replacement
19 costs of the laboratory equipment, and for supplies used to maintain, repair, upgrade
20 and replace that equipment, in the state and regional crime laboratories. All moneys
21 transferred from ~~par. (i)~~ the appropriation account under s. 20.505 (6) (j) shall be
22 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.

1 SECTION 17. 20.455 (2) (ke) of the statutes is created to read:

2 20.455 (2) (ke) *Drug enforcement intelligence operations*. The amounts in the
3 schedule for drug enforcement tactical and strategic intelligence units. All moneys
4 transferred from the appropriation account under s. 20.505 (6) (j) shall be credited
5 to this appropriation account. ✓ *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.

6 SECTION 18. 20.455 (5) (kp) of the statutes is created to read:

7 20.455 (5) (kp) *Reimbursement to counties for victim-witness services*. The
8 amounts in the schedule for the purpose of reimbursing counties under s. 950.06 for
9 costs incurred in providing services to victims and witnesses of crime. All moneys
10 transferred from the appropriation account under s. 20.505 (6) (j) shall be credited
11 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.

12 SECTION 19. 20.505 (1) (kq) of the statutes is created to read:

13 20.505 (1) (kq) *Justice information systems development, operation and*
14 *maintenance*. The amounts in the schedule for the purpose of developing, operating
15 and maintaining automated justice information systems under s. 16.971 (9). All
16 moneys transferred from the appropriation account under s. 20.505 (6) (j) shall be
17 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.

18 SECTION 20. 20.505 (6) (g) of the statutes is renumbered 20.505 (6) (kp) and
19 amended to read:

1 20.505 (6) (kp) *Anti-drug enforcement program, penalty assessment — local.*
2 ~~All moneys received from the penalty assessment surcharge on court fines and~~
3 ~~forfeitures as allocated under s. 165.87 (1) The amounts in the schedule to match~~
4 ~~federal funds made available under subtitle K of title I of P.L. 99-570, except as~~
5 ~~provided in par. (h) and s. 20.410 (3) (kj). The executive staff director of the office of~~
6 ~~justice assistance may transfer moneys not needed as matching funds under this~~
7 ~~paragraph to par. (h). The secretary of administration shall transfer \$645,000 from~~
8 ~~this paragraph to s. 20.410 (3) (kj) in each fiscal year. The secretary of administration~~
9 ~~shall transfer \$200,000 in fiscal year 1997-98 and \$200,000 in fiscal year 1998-99~~
10 ~~from this paragraph to the appropriation account under s. 20.455 (2) (k) for a drug~~
11 ~~enforcement tactical intelligence unit and shall transfer \$948,800 in fiscal year~~
12 ~~1998-99 from this paragraph to the appropriation account under s. 20.455 (2) (k) for~~
13 ~~a drug enforcement strategic intelligence unit. All moneys transferred from the~~
14 ~~appropriation account under par. (i) shall be credited to this appropriation account.~~
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.

15 **SECTION 21.** 20.505 (6) (h) of the statutes is renumbered 20.505 (6) (kt) and
16 amended to read:

17 20.505 (6) (kt) *Anti-drug enforcement program, penalty assessment — state.*
18 ~~All moneys transferred from par. (g) The amounts in the schedule to match federal~~
19 ~~funds made available under subtitle K of title I of P.L. 99-570 regarding allocations~~
20 ~~to state agencies for planning, programs and administration regarding anti-drug~~
21 ~~abuse law enforcement assistance. The secretary of administration shall transfer~~
22 ~~\$500,000 in fiscal year 1991-92 from this paragraph to s. 20.455 (2) (i). All moneys~~

to this appropriation
account

1 transferred from the appropriation account under par. (j) shall be credited to this
2 appropriation account.

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

3 SECTION 22. 20.505 (6) (j) of the statutes is created to read:

4 20.505 (6) (j) *Penalty assessment surcharge receipts.* All moneys received from
5 the penalty assessment surcharge under s. 757.05 on court fines and forfeitures for
6 the purpose of making the transfers required under subs. 1. to 15. and for the
7 purpose of making transfers to the appropriation account under s. 20.865 (8) (k). On
8 the 15th day of each month, the secretary shall transfer the following amounts to the
9 following appropriation accounts, unless otherwise provided under s. 16.495 (1):

10 1. The amount transferred to s. 20.455 (2) (kp) shall be one-twelfth of the
11 amount in the schedule under s. 20.455 (2) (kp).

12 2. The amount transferred to s. 20.455 (2) (kq) shall be one-twelfth of the
13 amount in the schedule under s. 20.455 (2) (kq).

14 3. The amount transferred to s. 20.505 (6) (kp) shall be one-twelfth of the
15 amount in the schedule under s. 20.505 (6) (kp).

16 4. The amount transferred to s. 20.255 (1) (kd) shall be one-twelfth of the
17 amount in the schedule under s. 20.255 (1) (kd).

18 5. The amount transferred to s. 20.255 (2) (kd) shall be one-twelfth of the
19 amount in the schedule under s. 20.255 (2) (kd).

20 6. The amount transferred to s. 20.410 (1) (kp) shall be one-twelfth of the
21 amount in the schedule under s. 20.410 (1) (kp).

22 7. The amount transferred to s. 20.410 (1) (kv) shall be one-twelfth of the
23 amount in the schedule under s. 20.410 (1) (kv).

1 8. The amount transferred to s. 20.410 (3) (kj) shall be one-twelfth of the
2 amount in the schedule under s. 20.410 (3) (kj).

3 9. The amount transferred to s. 20.455 (2) (ke) shall be one-twelfth of the
4 amount in the schedule under s. 20.455 (2) (ke).

5 10. The amount transferred to s. 20.455 (2) (kr) shall be one-twelfth of the
6 amount in the schedule under s. 20.455 (2) (kr).

7 11. The amount transferred to s. 20.455 (5) (kp) shall be one-twelfth of the
8 amount in the schedule under s. 20.455 (5) (kp).

9 12. The amount transferred to s. 20.505 (1) (kq) shall be one-twelfth of the
10 amount in the schedule under s. 20.505 (1) (kq).

11 13. The amount transferred to par. (k) shall be one-twelfth of the amount in
12 the schedule under par. (k).

13 14. The amount transferred to par. (kt) shall be one-twelfth of the amount in
14 the schedule under par. (kt).

15 15. The amount transferred to s. 20.550 (1) (k) shall be one-twelfth of the
16 amount in the schedule under s. 20.550 (1) (k).

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

17 **SECTION 23.** 20.505 (6) (k) of the statutes is amended to read:

18 20.505 (6) (k) ~~Anti-drug Law enforcement program assistance —~~
19 ~~administration. All moneys received from any state agency for planning, programs~~
20 ~~and administration regarding anti-drug abuse~~ The amounts in the schedule for the
21 purpose of administering federal grants for law enforcement assistance. All moneys
22 transferred from the appropriation account under par. (j) shall be credited to this
23 appropriation account.

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.

1 **SECTION 24.** 20.550 (1) (j) of the statutes is renumbered 20.550 (1) (k) and
2 amended to read:

3 20.550 (1) (k) *Conferences and training.* The amounts in the schedule to
4 sponsor conferences and training under ch. 977. All moneys ~~received~~ transferred
5 from the ~~penalty assessment surcharge on court fines and forfeitures as allocated~~
6 appropriation account under s. ~~165.87 (1) (b)~~ 20.505 (6) (j) shall be credited to this
7 appropriation account. ✓ 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.

8 **SECTION 25.** 20.865 (8) (k) of the statutes is created to read:

9 20.865 (8) (k) *Supplementation of program revenue-service appropriations*
10 *funded by penalty assessments.* From the appropriation account under s. 20.505 (6)
11 (j), a sum sufficient to supplement sum certain program revenue-service
12 appropriations as provided under s. 16.495 (2).

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

13 **SECTION 26.** 23.51 (6) of the statutes is amended to read:

14 23.51 (6) "Penalty assessment" means the penalty assessment imposed by s.
15 ~~165.87~~ 757.05.

16 **SECTION 27.** 59.25 (3) (f) 2. of the statutes is amended to read:

17 59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be
18 deposited in the state treasury, the amounts required by s. ~~165.87~~ 757.05 for the
19 penalty assessment surcharge, the amounts required by s. 165.755 for the crime
20 laboratories and drug law enforcement assessment, the amounts required by s.
21 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the

1 crime victim and witness assistance surcharge, the amounts required by s. 938.34
2 (8d) for the delinquency victim and witness assistance surcharge, the amounts
3 required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts
4 required by s. 961.41 (5) for the drug abuse program improvement surcharge, the
5 amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the
6 domestic abuse assessment, the amounts required by s. 253.06 (4) (c) for the
7 enforcement assessment under the supplemental food program for women, infants
8 and children, the amounts required by ss. 346.177, 346.495 and 346.65 (4r) for the
9 railroad crossing improvement assessment, the amounts required by s. 346.655 (2)
10 (a) and (b) for the driver improvement surcharge, the amounts required by s. 102.85
11 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the
12 environmental assessment, the amounts required by s. 29.983 for the wild animal
13 protection assessment, the amounts required by s. 29.987 for the natural resources
14 assessment surcharge, the amounts required by s. 29.985 for the fishing shelter
15 removal assessment, the amounts required by s. 350.115 for the snowmobile
16 registration restitution payment and the amounts required by s. 29.989 for natural
17 resources restitution payments, transmit to the state treasurer a statement of all
18 moneys required by law to be paid on the actions entered during the preceding month
19 on or before the first day of the next succeeding month, certified by the county
20 treasurer's personal signature affixed or attached thereto, and at the same time pay
21 to the state treasurer the amount thereof.

22 **SECTION 28.** 59.40 (2) (m) of the statutes is amended to read:

23 59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's
24 percentage of the fees required to be paid on each civil action, criminal action and
25 special proceeding filed during the preceding month and pay monthly to the

1 treasurer for the use of the state the percentage of court imposed fines and forfeitures
2 required by law to be deposited in the state treasury, the amounts required by s.
3 ~~165.87 (2) (b)~~ 757.05 for the penalty assessment surcharge, the amounts required by
4 s. 165.755 for the crime laboratories and drug law enforcement assessment, the
5 amounts required by s. 167.31 (5) for the weapons assessment, the amounts required
6 by s. 973.045 for the crime victim and witness assistance surcharge, the amounts
7 required by s. 938.34 (8d) for the delinquency victim and witness assistance
8 surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis
9 surcharge, the amounts required by s. 961.41 (5) for the drug abuse program
10 improvement surcharge, the amounts authorized by s. 971.37 (1m) (c) 1. or required
11 by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by
12 s. 253.06 (4) (c) for the enforcement assessment under the supplemental food
13 program for women, infants and children, the amounts required by ss. 346.177,
14 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the
15 amounts required by s. 346.655 for the driver improvement surcharge, the amounts
16 required by s. 102.85 (4) for the uninsured employer assessment, the amounts
17 required by s. 299.93 for the environmental assessment, the amounts required under
18 s. 29.983 for the wild animal protection assessment, the amounts required under s.
19 29.987 (1) (d) for the natural resources assessment surcharge, the amounts required
20 by s. 29.985 for the fishing shelter removal assessment, the amounts required by s.
21 350.115 for the snowmobile registration restitution payment and the amounts
22 required under s. 29.989 (1) (d) for the natural resources restitution payments. The
23 payments shall be made by the 15th day of the month following receipt thereof.

24 **SECTION 29.** 59.54 (12) of the statutes is repealed.

****NOTE: This draft repeals s. 59.54 (12), stats., because of the repeal of s. 165.90, stats. If s. 165.90, stats., is not repealed this SECTION should be deleted.

1 **SECTION 30.** 66.119 (1) (b) 7. c. of the statutes is amended to read:

2 66.119 (1) (b) 7. c. That if the alleged violator makes a cash deposit and does
3 not appear in court, he or she either will be deemed to have tendered a plea of no
4 contest and submitted to a forfeiture, a penalty assessment imposed by s. ~~165.87~~
5 757.05, a jail assessment imposed by s. 302.46 (1), a crime laboratories and drug law
6 enforcement assessment imposed by s. 165.755 and any applicable domestic abuse
7 assessment imposed by s. 973.055 (1) not to exceed the amount of the deposit or will
8 be summoned into court to answer the complaint if the court does not accept the plea
9 of no contest.

10 **SECTION 31.** 66.119 (1) (b) 7. d. of the statutes is amended to read:

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

19 **SECTION 32.** 66.119 (1) (c) of the statutes is amended to read:

20 66.119 (1) (c) An ordinance adopted under par. (a) shall contain a schedule of
21 cash deposits that are to be required for the various ordinance violations, and for the
22 penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s.
23 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by

1 s. 165.755 and any applicable domestic abuse assessment imposed by s. 973.055 (1),
2 for which a citation may be issued. The ordinance shall also specify the court, clerk
3 of court or other official to whom cash deposits are to be made and shall require that
4 receipts be given for cash deposits.

5 **SECTION 33.** 66.119 (3) (b) of the statutes is amended to read:

6 66.119 (3) (b) If a person appears in court in response to a citation, the citation
7 may be used as the initial pleading, unless the court directs that a formal complaint
8 be made, and the appearance confers personal jurisdiction over the person. The
9 person may plead guilty, no contest or not guilty. If the person pleads guilty or no
10 contest, the court shall accept the plea, enter a judgment of guilty and impose a
11 forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment
12 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
13 assessment imposed by s. 165.755 and any applicable domestic abuse assessment
14 imposed by s. 973.055 (1). If the court finds that the violation meets the conditions
15 in s. 800.093 (1), the court may order restitution under s. 800.093. A plea of not guilty
16 shall put all matters in the case at issue, and the matter shall be set for trial.

17 **SECTION 34.** 66.119 (3) (c) of the statutes is amended to read:

18 66.119 (3) (c) If the alleged violator makes a cash deposit and fails to appear
19 in court, the citation may serve as the initial pleading and the violator shall be
20 considered to have tendered a plea of no contest and submitted to a forfeiture, the
21 penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s.
22 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by
23 s. 165.755 and any applicable domestic abuse assessment imposed by s. 973.055 (1)
24 not exceeding the amount of the deposit. The court may either accept the plea of no
25 contest and enter judgment accordingly or reject the plea. If the court finds the

1 violation meets the conditions in s. 800.093 (1), the court may summon the alleged
2 violator into court to determine if restitution shall be ordered under s. 800.093. If
3 the court accepts the plea of no contest, the defendant may move within 10 days after
4 the date set for the appearance to withdraw the plea of no contest, open the judgment
5 and enter a plea of not guilty if the defendant shows to the satisfaction of the court
6 that the failure to appear was due to mistake, inadvertence, surprise or excusable
7 neglect. If the plea of no contest is accepted and not subsequently changed to a plea
8 of not guilty, no costs or fees may be taxed against the violator, but a penalty
9 assessment, a jail assessment, a crime laboratories and drug law enforcement
10 assessment and, if applicable, a domestic abuse assessment shall be assessed. If the
11 court rejects the plea of no contest, an action for collection of the forfeiture, penalty
12 assessment, jail assessment, crime laboratories and drug law enforcement
13 assessment and any applicable domestic abuse assessment may be commenced. A
14 city, village, town sanitary district or public inland lake protection and rehabilitation
15 district may commence action under s. 66.12 (1) and a county or town may commence
16 action under s. 778.10. The citation may be used as the complaint in the action for
17 the collection of the forfeiture, penalty assessment, jail assessment, crime
18 laboratories and drug law enforcement assessment and any applicable domestic
19 abuse assessment.

20 **SECTION 35.** 66.12 (1) (b) of the statutes is amended to read:

21 66.12 (1) (b) Local ordinances, except as provided in this paragraph or ss.
22 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any
23 or all violations under those ordinances, and may designate the manner in which the
24 stipulation is to be made and fix the penalty to be paid. When a person charged with
25 a violation for which stipulation of guilt or no contest is authorized makes a timely

1 stipulation and pays the required penalty and pays the penalty assessment imposed
2 by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime
3 laboratories and drug law enforcement assessment imposed by s. 165.755 and any
4 applicable domestic abuse assessment imposed by s. 973.055 (1) to the designated
5 official, the person need not appear in court and no witness fees or other additional
6 costs may be taxed unless the local ordinance so provides. A court appearance is
7 required for a violation of a local ordinance in conformity with s. 346.63 (1). The
8 official receiving the penalties shall remit all moneys collected to the treasurer of the
9 city, village, town sanitary district or public inland lake protection and rehabilitation
10 district in whose behalf the sum was paid, except that all jail assessments shall be
11 remitted to the county treasurer, within 20 days after its receipt by him or her; and
12 in case of any failure in the payment, the treasurer may collect the payment of the
13 officer by action, in the name of the office, and upon the official bond of the officer,
14 with interest at the rate of 12% per year from the time when it should have been paid.
15 In the case of the penalty assessment imposed by s. ~~165.87~~ 757.05, the crime
16 laboratories and drug law enforcement assessment imposed by s. 165.755, the driver
17 improvement surcharge imposed by s. 346.655 (1) and any applicable domestic abuse
18 assessment imposed by s. 973.055 (1), the treasurer of the city, village, town sanitary
19 district or public inland lake protection and rehabilitation district shall remit to the
20 state treasurer the sum required by law to be paid on the actions so entered during
21 the preceding month on or before the first day of the next succeeding month. The
22 governing body of the city, village, town sanitary district or public inland lake
23 protection and rehabilitation district shall by ordinance designate the official to
24 receive the penalties and the terms under which the official shall qualify.

25 **SECTION 36.** 66.12 (3) (b) of the statutes is amended to read:

1 66.12 (3) (b) All forfeitures and penalties recovered for the violation of any
2 ordinance or bylaw of any city, village, town, town sanitary district or public inland
3 lake protection and rehabilitation district shall be paid into the city, village, town,
4 town sanitary district or public inland lake protection and rehabilitation district
5 treasury for the use of the city, village, town, town sanitary district or public inland
6 lake protection and rehabilitation district, except as otherwise provided in par. (c),
7 sub. (1) (b) and s. ~~165.87~~ 757.05. The judge shall report and pay into the treasury,
8 quarterly, or at more frequent intervals if so required, all moneys collected belonging
9 to the city, village, town, town sanitary district or public inland lake protection and
10 rehabilitation district, which report shall be certified and filed in the office of the
11 treasurer; and the judge shall be entitled to duplicate receipts for such moneys, one
12 of which he or she shall file with the city, village or town clerk or with the town
13 sanitary district or the public inland lake protection and rehabilitation district.

14 **SECTION 37.** 115.36 (3) (a) (intro.) of the statutes is amended to read:

15 115.36 (3) (a) (intro.) The department shall, from the appropriation under s.
16 20.255 (2) (~~g~~) (kd), fund school district projects designed to assist minors
17 experiencing problems resulting from the use of alcohol or other drugs or to prevent
18 alcohol or other drug abuse by minors. The department shall:

19 **SECTION 38.** 165.85 (5m) of the statutes is repealed.

20 **SECTION 39.** 165.87 (1) (title) of the statutes is repealed.

21 **SECTION 40.** 165.87 (1) (a) of the statutes is renumbered 165.87 and amended
22 to read:

23 **165.87 Law enforcement training fund.** ~~Twenty-seven fifty-fifths of all~~
24 ~~moneys~~ Moneys collected from penalty assessments under ~~this section shall be~~
25 ~~credited s. 757.05 and transferred~~ to the appropriation account under s. 20.455 (2)

1 ~~(i) and utilized (kp) and (kq) shall be used in accordance with ss. 20.455 (2) and s.~~
2 ~~165.85 (5) and (5m). The moneys credited to the appropriation account under s.~~
3 ~~20.455 (2) (i), except for the moneys transferred to s. 20.455 (2) (j), and shall~~
4 constitute the law enforcement training fund.

****NOTE: This section is superfluous to the language already contained in the cross-referenced appropriations. Also, the reference to a law enforcement training "fund" is confusing because it is not a ch. 25 segregated fund; rather, it consists of moneys appropriated in specified appropriation accounts. Accordingly, I suggest that the draft simply repeal all of s. 165.87 (1), stats.

5 **SECTION 41.** 165.87 (1) (b) of the statutes is repealed.

6 **SECTION 42.** 165.87 (1) (bn) of the statutes is repealed.

7 **SECTION 43.** 165.87 (1) (bp) of the statutes is repealed.

8 **SECTION 44.** 165.87 (1) (br) of the statutes is repealed.

9 **SECTION 45.** 165.87 (1) (c) of the statutes is repealed.

10 **SECTION 46.** 165.87 (2) of the statutes is renumbered 757.05.

11 **SECTION 47.** 165.90 of the statutes is repealed.

****NOTE: This draft repeals s. 165.90, stats., because all of its supporting appropriations are repealed by the draft. (See the treatment of s. 20.455 (2) (d), (hm), (hn) and (ho), stats.) If another budget draft creates new appropriations to fund s. 165.90, stats., that draft will amend s. 165.90 (4), stats., and its provisions will supersede the repeal of s. 165.90, stats., in this draft.

12 **SECTION 48.** 165.92 (3) (a) of the statutes is amended to read:

13 165.92 (3) (a) Unless otherwise provided in a joint program plan under s.
14 ~~165.90 (2)~~ or an agreement between a political subdivision of this state and a tribe,
15 the tribe that employs a tribal law enforcement officer is liable for all acts of the
16 officer while acting within the scope of his or her employment and neither the state
17 nor any political subdivision of the state may be held liable for any action of the officer
18 taken under the authority of sub. (2) (a).

****NOTE: This draft strikes a reference to s. 165.90, stats., because of the repeal of s. 165.90, stats., by this draft. If s. 165.90, stats., is not repealed this SECTION should be deleted.

1 **SECTION 49.** 289.33 (3) (d) of the statutes is amended to read:

2 289.33 (3) (d) “Local approval” includes any requirement for a permit, license,
3 authorization, approval, variance or exception or any restriction, condition of
4 approval or other restriction, regulation, requirement or prohibition imposed by a
5 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by
6 a town, city, village, county or special purpose district, including without limitation
7 because of enumeration any ordinance, resolution or regulation adopted under s.
8 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9),
9 (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27),
10 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19), (20) and (23),
11 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), ~~(12)~~, (16),
12 (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4), (5) and (6), 59.56
13 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and
14 (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8),
15 (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and
16 (11), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35, 61.351, 61.354,
17 62.11, 62.23, 62.231, 62.234, 66.01, 66.052, 66.24 (8), 87.30, 91.73, 196.58, 236.45,
18 281.43 or 349.16 or subch. VIII of ch. 60.

****NOTE: This draft strikes a reference to s. 59.54 (12), stats., because of the repeal
of s. 59.54 (12), stats., by this draft. If s. 59.54 (12), stats., is not repealed this SECTION
should be deleted.

19 **SECTION 50.** 345.26 (1) (b) 1. of the statutes is amended to read:

20 345.26 (1) (b) 1. If the person makes a deposit for a violation of a traffic
21 regulation, the person need not appear in court at the time fixed in the citation, and
22 the person will be deemed to have tendered a plea of no contest and submitted to a
23 forfeiture and a penalty assessment, if required by s. ~~165.87~~ 757.05, a jail

1 assessment, if required by s. 302.46 (1), a railroad crossing improvement
2 assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a crime laboratories
3 and drug law enforcement assessment, if required by s. 165.755, plus any applicable
4 fees prescribed in ch. 814, not to exceed the amount of the deposit that the court may
5 accept as provided in s. 345.37; and

6 **SECTION 51.** 345.37 (2) of the statutes is amended to read:

7 345.37 (2) If the defendant has made a deposit under s. 345.26, the citation may
8 serve as the initial pleading and the defendant shall be deemed to have tendered a
9 plea of no contest and submitted to a forfeiture and a penalty assessment, if required
10 by s. ~~165.87~~ 757.05, a jail assessment, if required by s. 302.46 (1), a railroad crossing
11 improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a
12 crime laboratories and drug law enforcement assessment, if required by s. 165.755,
13 plus costs, including any applicable fees prescribed in ch. 814, not exceeding the
14 amount of the deposit. The court may either accept the plea of no contest and enter
15 judgment accordingly, or reject the plea and issue a summons under ch. 968. If the
16 defendant fails to appear in response to the summons, the court shall issue a warrant
17 under ch. 968. If the court accepts the plea of no contest, the defendant may move
18 within 6 months after the date set for the appearance to withdraw the plea of no
19 contest, open the judgment and enter a plea of not guilty upon a showing to the
20 satisfaction of the court that the failure to appear was due to mistake, inadvertence,
21 surprise or excusable neglect. If on reopening the defendant is found not guilty, the
22 court shall immediately notify the department to delete the record of conviction
23 based on the original proceeding and shall order the defendant's deposit returned.

24 **SECTION 52.** 345.37 (5) of the statutes is amended to read:

1 345.37 (5) Within 5 working days after forfeiture of deposit or entry of default
2 judgment, the official receiving the forfeiture, the penalty assessment, if required by
3 s. ~~165.87~~ 757.05, the jail assessment, if required by s. 302.46 (1), the railroad crossing
4 improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the
5 crime laboratories and drug law enforcement assessment, if required by s. 165.755,
6 shall forward to the department a certification of the entry of default judgment or a
7 judgment of forfeiture.

8 **SECTION 53.** 345.375 (2) of the statutes is amended to read:

9 345.375 (2) Upon default of the defendant corporation or limited liability
10 company or upon conviction, judgment for the amount of the forfeiture, the penalty
11 assessment, if required under s. ~~165.87~~ 757.05, the jail assessment, if required by s.
12 302.46 (1), and the crime laboratories and drug law enforcement assessment, if
13 required under s. 165.755, shall be entered.

14 **SECTION 54.** 345.47 (1) (intro.) of the statutes is amended to read:

15 345.47 (1) (intro.) If the defendant is found guilty, the court may enter
16 judgment against the defendant for a monetary amount not to exceed the maximum
17 forfeiture, penalty assessment, if required by s. ~~165.87~~ 757.05, the jail assessment,
18 if required by s. 302.46 (1), the railroad crossing improvement assessment, if
19 required by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug
20 law enforcement assessment, if required by s. 165.755, provided for the violation and
21 for costs under s. 345.53 and, in addition, may suspend or revoke his or her operating
22 privilege under s. 343.30. If the judgment is not paid, the court shall order:

23 **SECTION 55.** 345.47 (1) (b) of the statutes is amended to read:

24 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension
25 or revocation, that the defendant's operating privilege be suspended for 30 days or

1 until the person pays the forfeiture, the penalty assessment, if required by s. ~~165.87~~
2 757.05, the jail assessment, if required by s. 302.46 (1), the railroad crossing
3 improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the
4 crime laboratories and drug law enforcement assessment, if required by s. 165.755,
5 but not to exceed 5 years. Suspension under this paragraph shall not affect the power
6 of the court to suspend or revoke under s. 343.30 or the power of the secretary to
7 suspend or revoke the operating privilege.

8 **SECTION 56.** 345.47 (1) (c) of the statutes is amended to read:

9 345.47 (1) (c) If a court or judge suspends an operating privilege under this
10 section, the court or judge shall immediately take possession of the suspended license
11 and shall forward it to the department together with the notice of suspension, which
12 shall clearly state that the suspension was for failure to pay a forfeiture, a penalty
13 assessment, if required by s. ~~165.87~~ 757.05, a jail assessment, if required by s. 302.46
14 (1), a railroad crossing improvement assessment, if required by s. 346.177, 346.495
15 or 346.65 (4r), and a crime laboratories and drug law enforcement assessment, if
16 required by s. 165.755, imposed by the court. The notice of suspension and the
17 suspended license, if it is available, shall be forwarded to the department within 48
18 hours after the order of suspension. If the forfeiture, penalty assessment, jail
19 assessment, railroad crossing improvement assessment and crime laboratories and
20 drug law enforcement assessment are paid during a period of suspension, the court
21 or judge shall immediately notify the department. Upon receipt of the notice and
22 payment of the reinstatement fee under s. 343.21 (1) (j), the department shall return
23 the surrendered license.

24 **SECTION 57.** 345.49 (1) of the statutes is amended to read:

1 345.49 (1) Any person imprisoned under s. 345.47 for nonpayment of a
2 forfeiture, a penalty assessment, if required by s. ~~165.87~~ 757.05, a jail assessment,
3 if required by s. 302.46 (1), a railroad crossing improvement assessment, if required
4 by s. 346.177, 346.495 or 346.65 (4r), or a crime laboratories and drug law
5 enforcement assessment, if required by s. 165.755, may, on request, be allowed to
6 work under s. 303.08. If the person does work, earnings shall be applied on the
7 unpaid forfeiture, penalty assessment, jail assessment, railroad crossing
8 improvement assessment or crime laboratories and drug law enforcement
9 assessment after payment of personal board and expenses and support of personal
10 dependents to the extent directed by the court.

11 **SECTION 58.** 345.61 (2) (c) of the statutes is amended to read:

12 345.61 (2) (c) “Guaranteed arrest bond certificate” as used in this section means
13 any printed card or other certificate issued by an automobile club, association or
14 insurance company to any of its members or insureds, which card or certificate is
15 signed by the member or insureds and contains a printed statement that the
16 automobile club, association or insurance company and a surety company, or an
17 insurance company authorized to transact both automobile liability insurance and
18 surety business, guarantee the appearance of the persons whose signature appears
19 on the card or certificate and that they will in the event of failure of the person to
20 appear in court at the time of trial, pay any fine or forfeiture imposed on the person,
21 including the penalty assessment required by s. ~~165.87~~ 757.05, the jail assessment
22 required by s. 302.46 (1), the railroad crossing improvement assessment required by
23 s. 346.177, 346.495 or 346.65 (4r) and the crime laboratories and drug law
24 enforcement assessment required by s. 165.755, in an amount not exceeding \$200,
25 or \$1,000 as provided in sub. (1) (b).

1 **SECTION 59.** 778.02 of the statutes is amended to read:

2 **778.02 Action in name of state; complaint; attachment.** Every such
3 forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to
4 allege in the complaint that the defendant is indebted to the plaintiff in the amount
5 of the forfeiture claimed, according to the provisions of the statute that imposes it,
6 specifying the statute and for the penalty assessment imposed by s. ~~165.87~~ 757.05,
7 the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law
8 enforcement assessment imposed by s. 165.755, the enforcement assessment
9 imposed under s. 253.06 (4) (c) or (5) (c) and any applicable domestic abuse
10 assessment imposed by s. 973.055 (1). If the statute imposes a forfeiture for several
11 offenses or delinquencies the complaint shall specify the particular offense or
12 delinquency for which the action is brought, with a demand for judgment for the
13 amount of the forfeiture, penalty assessment, jail assessment, crime laboratories
14 and drug law enforcement assessment, any applicable enforcement assessment and
15 any applicable domestic abuse assessment. If the defendant is a nonresident of the
16 state, an attachment may issue.

17 **SECTION 60.** 778.03 of the statutes is amended to read:

18 **778.03 Complaint to recover forfeited goods.** In an action to recover
19 property forfeited by any statute it shall be sufficient to allege in the complaint that
20 the property has been forfeited, specifying the statute, with a demand of judgment
21 for the delivery of the property, or the value thereof and for payment of the penalty
22 assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1),
23 the crime laboratories and drug law enforcement assessment imposed by s. 165.755,
24 the enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c) and any
25 applicable domestic abuse assessment imposed by s. 973.055 (1).

1 **SECTION 61.** 778.06 of the statutes is amended to read:

2 **778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a
3 specific sum or when it is not less than one sum or more than another, the action may
4 be brought for the highest sum specified and for the penalty assessment imposed by
5 s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories
6 and drug law enforcement assessment imposed by s. 165.755, the enforcement
7 assessment imposed under s. 253.06 (4) (c) or (5) (c) and any applicable domestic
8 abuse assessment imposed by s. 973.055 (1); and judgment may be rendered for such
9 sum as the court or jury shall assess or determine to be proportionate to the offense.

10 **SECTION 62.** 778.10 of the statutes is amended to read:

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

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

4 **SECTION 63.** 778.105 of the statutes is amended to read:

5 **778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by
6 any court or any branch thereof for the violation of any municipal or county
7 ordinance shall be paid to the municipality or county. Penalty assessment payments
8 shall be made as provided in s. ~~165.87~~ 757.05. Jail assessment payments shall be
9 made as provided in s. 302.46 (1). Crime laboratories and drug law enforcement
10 assessment payments shall be paid as provided in s. 165.755. Domestic abuse
11 assessments shall be made as provided in s. 973.055.

12 **SECTION 64.** 778.13 of the statutes is amended to read:

13 **778.13 Forfeitures collected, to whom paid.** All moneys collected in favor
14 of the state for forfeiture, except the portion to be paid to any person who sues with
15 the state, shall be paid by the officer who collects the forfeiture to the treasurer of the
16 county within which the forfeiture was incurred within 20 days after its receipt. In
17 case of any failure in the payment the county treasurer may collect the payment of
18 the officer by action, in the name of the office and upon the official bond of the officer,
19 with interest at the rate of 12% per year from the time when it should have been paid.
20 Penalty assessment payments shall be made as provided in s. ~~165.87~~ 757.05. Jail
21 assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories
22 and drug law enforcement assessment payments shall be paid as provided in s.
23 165.755. Domestic abuse assessments shall be made as provided in s. 973.055.
24 Enforcement assessments shall be made as provided in s. 253.06 (4) (c).

25 **SECTION 65.** 778.18 of the statutes is amended to read:

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

17 **SECTION 66.** 800.03 (3) of the statutes is amended to read:

18 800.03 (3) The amount of the deposit shall be set by the municipal judge, but
19 shall not be effective until approved by the governing body of the municipality. The
20 amount shall not exceed the maximum penalty for the offense, including any penalty
21 assessment that would be applicable under s. ~~165.87~~ 757.05, any jail assessment that
22 would be applicable under s. 302.46 (1), any crime laboratories and drug law
23 enforcement assessment that would be applicable under s. 165.755 and any domestic
24 abuse assessment that would be applicable under s. 973.055 (1), plus court costs,
25 including the fee prescribed in s. 814.65 (1).

1 **SECTION 67.** 800.04 (2) (b) of the statutes is amended to read:

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

20 **SECTION 68.** 800.04 (2) (c) of the statutes is amended to read:

21 800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03
22 and does not appear, he or she is deemed to have tendered a plea of no contest and
23 submits to a forfeiture, a penalty assessment imposed by s. ~~165.87~~ 757.05, a jail
24 assessment imposed by s. 302.46 (1), a crime laboratories and drug law enforcement
25 assessment imposed by s. 165.755 and any applicable domestic abuse assessment

1 imposed by s. 973.055 (1) plus costs, including the fee prescribed in s. 814.65 (1), not
2 exceeding the amount of the deposit. The court may either accept the plea of no
3 contest and enter judgment accordingly, or reject the plea and issue a summons. If
4 the court finds that the violation meets the conditions in s. 800.093 (1), the court may
5 summon the alleged violator into court to determine if restitution shall be ordered
6 under s. 800.093. If the defendant fails to appear in response to the summons, the
7 court shall issue a warrant under s. 968.09. If the defendant has made a deposit but
8 does appear, the court shall allow the defendant to withdraw the plea of no contest.

9 **SECTION 69.** 800.09 (1) (intro.) of the statutes is amended to read:

10 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it
11 may render judgment by ordering restitution under s. 800.093 and payment of a
12 forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment
13 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
14 assessment imposed by s. 165.755 and any applicable domestic abuse assessment
15 imposed by s. 973.055 (1) plus costs of prosecution, including the fee prescribed in s.
16 814.65 (1). The court shall apply any payment received on a judgment that includes
17 restitution to first satisfy any payment of restitution ordered, then to pay the
18 forfeiture, assessments and costs. If the judgment is not paid, the court may proceed
19 under par. (a), (b) or (c) or any combination of those paragraphs, as follows:

20 **SECTION 70.** 800.12 (2) of the statutes is amended to read:

21 800.12 (2) A municipality may by ordinance provide that a municipal judge
22 may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50
23 or, upon nonpayment of the forfeiture, penalty assessment under s. ~~165.87~~ 757.05,
24 jail assessment under s. 302.46 and crime laboratories and drug law enforcement

1 assessment under s. 165.755 and any applicable domestic abuse assessment under
2 s. 973.055 (1), a jail sentence not to exceed 7 days.

3 **SECTION 71.** 814.60 (2) (a) of the statutes is amended to read:

4 814.60 (2) (a) Penalty assessment imposed by s. ~~165.87~~ 757.05;

5 **SECTION 72.** 814.63 (3) (a) of the statutes is amended to read:

6 814.63 (3) (a) Penalty assessment imposed by s. ~~165.87~~ 757.05.

7 **SECTION 73.** 950.06 (2) of the statutes is amended to read:

8 950.06 (2) The costs of providing services under sub. (1m) shall be paid for by
9 the county, but the county is eligible to receive reimbursement from the state for not
10 more than 90% of the costs incurred in providing those services. The department
11 shall determine the level of services for which a county may be reimbursed. The
12 county board shall file a claim for reimbursement with the department. The
13 department shall reimburse counties under this subsection from the appropriation
14 under s. 20.455 (5) (kk) and (kp) and, on a semiannual basis, from the appropriations
15 under s. 20.455 (5) (c) and (g).

16 **SECTION 74.** 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 domestic abuse
24 assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver
25 improvement surcharge imposed by s. 346.655, any applicable enforcement

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

SECTION 9230. Appropriation changes; justice.

17 **SECTION 9230. Appropriation changes; justice.** Of the 90%
 18 (1) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. ~~The~~ 9(hm) ✓ unencumbered balance in
 19 the appropriation account under section 20.455 (2) ~~(hm)~~, 1997 stats., is transferred
 20 to the appropriation account under section 20.505 (6) (j) of the statutes, as created
 21 by this act.

****NOTE: This draft does not provide for the transfer of the unencumbered balance
 in the appropriation accounts under s. 20.455 (2) ~~(hm)~~ and (ho), stats., because those
 appropriation accounts are being renumbered in LRB-1554. If LRB-1554 is not included
 in the budget bill, this draft ~~may need~~ to be changed to include the transfer of the
 unencumbered balance in the appropriation accounts under s. 20.455 (2) ~~(hm)~~ and (ho),
 stats. and to correct the reference to S. 20.455 (2) (kt). hn

hn ✓
 to be s. 20.455
 (2) (kt) and
 (ku) ✓

9 and 10% of the unencumbered balance in the appropriation
 account under section 20.455 (2) ~~(hm)~~, 1997 stats., is transferred of the
 to the appropriation account under section 20.455 (2) (kt), as Statutes
 affected by this act

of the

① (2) PENALTY ASSESSMENT RECEIPTS. ~~The~~ unencumbered balance in the
 2 appropriation account under section 20.455 (2) (i), 1997 stats., ^{90%} is transferred to the
 ③ appropriation account under section 20.455 (2) (kp) of the statutes, as affected by this
 4 act.

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(END)

Section 20.505 (6) (j) [✓] of the statutes,
 as created by this act, and 10%
 of the unencumbered balance in the
 appropriation account under section
 20.455 (2) (i), 1997 stats., is transferred
 to the appropriation account under

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~~(Q)~~ ALCOHOL AND OTHER DRUG ABUSE PROGRAMS IN SCHOOLS. Ninety percent of the unencumbered balance in the appropriation account under section 20.255 (1) (kd) of the statutes, as affected by this act, is transferred to the appropriation account under section 20.505 (6) (j) of the statutes, as created by this act.

~~(Q)~~ AID FOR ALCOHOL AND OTHER DRUG ABUSE PROGRAMS IN SCHOOLS. Ninety percent of the unencumbered balance in the appropriation account under section 20.255 (2) (kd) of the statutes, as affected by this act, is transferred to the appropriation account under section 20.505 (6) (j) of the statutes, as created by this act.

~~(Q)~~ PUBLIC DEFENDER CONFERENCES AND TRAINING. Ninety percent of the unencumbered balance in the appropriation account under section 20.550 (1) (k) of the statutes, as affected by this act, is transferred to the appropriation account under section 20.505 (6) (j) of the statutes, as created by this act.