



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1265/4
JEO:wj&jlg:km

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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 to the appropriation accounts specified under s.
10 20.505 (6) (j) 4. to 15. prorated in the same proportion as the amount that is required
11 to be transferred to the appropriation account on the 15th day of the month bears to
12 the total amount that is required to be transferred on the 15th day of the month to
13 all of the appropriation accounts under s. 20.505 (6) (j) 4. to 15.

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

1 abuse law enforcement assistance. ~~The secretary of administration shall transfer~~
2 ~~\$500,000 in fiscal year 1991-92 from this paragraph to s. 20.455 (2) (i). All moneys~~
3 ~~transferred from the appropriation account under par. (j) to this appropriation~~
4 ~~account shall be credited to this appropriation account.~~

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

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

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

- 12 1. The amount transferred to s. 20.455 (2) (kp) shall be one-twelfth of the
13 amount in the schedule under s. 20.455 (2) (kp).
- 14 2. The amount transferred to s. 20.455 (2) (kq) shall be one-twelfth of the
15 amount in the schedule under s. 20.455 (2) (kq).
- 16 3. The amount transferred to s. 20.505 (6) (kp) shall be one-twelfth of the
17 amount in the schedule under s. 20.505 (6) (kp).
- 18 4. The amount transferred to s. 20.255 (1) (kd) shall be one-twelfth of the
19 amount in the schedule under s. 20.255 (1) (kd).
- 20 5. The amount transferred to s. 20.255 (2) (kd) shall be one-twelfth of the
21 amount in the schedule under s. 20.255 (2) (kd).
- 22 6. The amount transferred to s. 20.410 (1) (kp) shall be one-twelfth of the
23 amount in the schedule under s. 20.410 (1) (kp).

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

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

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

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

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

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

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

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

17 15. The amount transferred to s. 20.550 (1) (k) shall be one-twelfth of the
18 amount in the schedule under s. 20.550 (1) (k). *(Handwritten 'j' circled above 'k' and below 'k')*

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

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

20 20.505 (6) (k) *Anti-drug Law enforcement program assistance —*
21 *administration. All moneys received from any state agency for planning, programs*
22 *and administration regarding anti-drug abuse* The amounts in the schedule for the
23 purpose of administering federal grants for law enforcement assistance. All moneys

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

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

5 20.550 (1) (k) *Conferences and training.* The amounts in the schedule to
6 sponsor conferences and training under ch. 977. All moneys ~~received~~ transferred
7 from the ~~penalty assessment surcharge on court fines and forfeitures as allocated~~
8 appropriation account under s. ~~165.87 (1) (br)~~ 20.505 (6) (j) to this appropriation
9 account 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 25.** 20.865 (8) (k) of the statutes is created to read:

11 20.865 (8) (k) *Supplementation of program revenue-service appropriations*
12 *funded by penalty assessments.* From the appropriation account under s. 20.505 (6)
13 (j), a sum sufficient to supplement sum certain program revenue-service
14 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.

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

16 23.51 (6) "Penalty assessment" means the penalty assessment imposed by s.
17 ~~165.87~~ 757.05.

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

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

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

21 **SECTION 9230. Appropriation changes; justice.**

22 (1) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. Of the unencumbered balance
23 in the appropriation account under section 20.455 (2) (hm), 1997 stats., 90% is
24 transferred to the appropriation account under section 20.505 (6) (j) of the statutes,

1 as created by this act, and 10% is transferred to the appropriation account under
2 section 20.455 (2) (kt) of the statutes, as affected 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) (hn) and (ho), stats., because those appropriation accounts are being renumbered in LRB-1554 to be ss. 20.455 (2) (kt) and (ku). If LRB-1554 is not included in the budget bill, this draft will have to be changed to include the transfer of the unencumbered balance in the appropriation accounts under s. 20.455 (2) (hn) and (ho), stats., and to correct the reference to s. 20.455 (2) (kt).

3 (2) PENALTY ASSESSMENT RECEIPTS. Of the unencumbered balance in the
4 appropriation account under section 20.455 (2) (i), 1997 stats., 90% is transferred to
5 the appropriation account under section 20.505 (6) (j) of the statutes, as created by
6 this act, and 10% is transferred to the appropriation account under section 20.455
7 (2) (kp) of the statutes, as affected by this act.

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

12 (4) AID FOR ALCOHOL AND OTHER DRUG ABUSE PROGRAMS IN SCHOOLS. Ninety
13 percent of the unencumbered balance in the appropriation account under section
14 20.255 (2) (kd) of the statutes, as affected by this act, is transferred to the
15 appropriation account under section 20.505 (6) (j) of the statutes, as created by this
16 act.

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

21 (END)

Per Cindy & Andrew

- No promotion / supplementation
- No 1/2 th transfer *
- No 20.865 (see)



State of Wisconsin
1999 - 2000 LEGISLATURE

Soon!

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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:

SECTION 1. 16.495 of the statutes is created to read: ✓

16.495 Transfer of penalty assessment surcharge receipts. (1)

PRORATION. On or before the 10th day of each month, the secretary shall calculate the unencumbered balance in the appropriation account under s. 20.505 (6) (j) as of the 5th day of that month. If the unencumbered balance in the appropriation account is not sufficient to fully fund the amounts required to be transferred on the 15th day of the month under s. 20.505 (6) (j), the secretary first shall transfer the full amounts required to be transferred under s. 20.505 (6) (j) 1. to 3. and then shall transfer any remaining unencumbered balance to the appropriation accounts specified under s. 20.505 (6) (j) 4. to 15. prorated in the same proportion as the amount that is required to be transferred to the appropriation account on the 15th day of the month bears to the total amount that is required to be transferred on the 15th day of the month to all of the appropriation accounts under s. 20.505 (6) (j) 4. to 15.

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

The secretary shall review the agency's request and may propose to supplement the

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

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

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

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

17 16.515 (3) This section does not apply to supplementation of the appropriation
18 under s. 16.495 (2) or 20.370 (2) (bg) or (8) (mg). ✓

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

20 16.971 (9) In conjunction with the public defender board, the director of state
21 courts, the departments of corrections and justice and district attorneys, the division
22 may maintain, promote and coordinate automated justice information systems that
23 are compatible among counties and the officers and agencies specified in this
24 subsection, using the moneys appropriated under s. 20.505 (1) (ja) ~~and~~, (kp) ~~and~~ (kq).
25 The division shall annually report to the legislature under s. 13.172 (2) concerning

1 abuse law enforcement assistance. ~~The secretary of administration shall transfer~~
2 ~~\$500,000 in fiscal year 1991-92 from this paragraph to s. 20.455 (2) (i). All moneys~~
3 ~~transferred from the appropriation account under par. (j) to this appropriation~~
4 ~~account shall be credited to this appropriation account.~~

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

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

6 20.505 (6) (j) *Penalty assessment surcharge receipts.* All moneys received from
7 the penalty assessment surcharge under s. 757.05 on court fines and forfeitures for
8 the purpose of ~~making the transfers required under subds. 1 to 5 and for the~~

9 ~~purpose of making transfers to the appropriation account under s. 20.365 (3) (k). On~~
10 ~~the 15th day of each month, the secretary shall transfer~~ ^{transferring} the following amounts to the
11 following appropriation accounts, ~~unless otherwise provided under s. 20.495 (1):~~ ^{column stays}

12 1. The amount transferred to s. 20.455 (2) (kp) shall be ~~one twelfth~~ ^{of} the
13 amount in the schedule under s. 20.455 (2) (kp).

14 2. The amount transferred to s. 20.455 (2) (kq) shall be ~~one twelfth~~ ^{of} the
15 amount in the schedule under s. 20.455 (2) (kq).

16 3. The amount transferred to s. 20.505 (6) (kp) shall be ~~one twelfth~~ ^{of} the
17 amount in the schedule under s. 20.505 (6) (kp).

18 4. The amount transferred to s. 20.255 (1) (kd) shall be ~~one twelfth~~ ^{of} the
19 amount in the schedule under s. 20.255 (1) (kd).

20 5. The amount transferred to s. 20.255 (2) (kd) shall be ~~one twelfth~~ ^{of} the
21 amount in the schedule under s. 20.255 (2) (kd).

22 6. The amount transferred to s. 20.410 (1) (kp) shall be ~~one twelfth~~ ^{of} the
23 amount in the schedule under s. 20.410 (1) (kp).

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

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

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

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

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

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

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

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

⑰ 15. The amount transferred to s. 20.550 (1) (kj) shall be ~~one-twelfth~~ of the
18 amount in the schedule under s. 20.550 (1) (kj).

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

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

⑳ 20.505 (6) (k) ^{plain ✓} ~~Anti-drug~~ ~~enforcement~~ ^{plain ✓} ~~program~~ ~~administration~~ —
21 administration. All moneys received from any state agency for planning, programs
22 and administration regarding anti-drug abuse The amounts in the schedule for the
23 purpose of administering federal grants for law enforcement assistance. All moneys

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

3 **SECTION 24.** 20.550 (1) (j) of the statutes is renumbered 20.550 (1) (kj) and
4 amended to read:

5 20.550 (1) (kj) *Conferences and training.* The amounts in the schedule to
6 sponsor conferences and training under ch. 977. All moneys ~~received~~ transferred
7 from the ~~penalty assessment surcharge on court fines and forfeitures as allocated~~
8 appropriation account under s. 165.87 (1) (br) 20.505 (6) (j) to this appropriation
9 account 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 25.** 20.865 (8) (k) of the statutes is created to read:

11 ~~20.865 (8) (k) *Supplementation of program revenue-service appropriations*~~
12 ~~*funded by penalty assessments.* From the appropriation account under s. 20.505 (6)~~
13 ~~(j), a sum sufficient to supplement ~~sum~~ certain program revenue-service~~
14 ~~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.

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

16 23.51 (6) "Penalty assessment" means the penalty assessment imposed by s.
17 ~~165.87~~ 757.05.

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

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

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

3 **165.87 Law enforcement training fund.** ~~Twenty seven fifty fifths of all~~
4 ~~moneys~~ Moneys collected from penalty assessments under ~~this section shall be~~
5 ~~credited s. 757.05 and transferred~~ to the appropriation account under s. 20.455 (2)
6 ~~(i) and utilized (kp) and (kq) shall be used in accordance with ss. 20.455 (2) and s.~~
7 ~~165.85 (5) and (5m). The moneys credited to the appropriation account under s.~~
8 ~~20.455 (2) (i), except for the moneys transferred to s. 20.455 (2) (jb), and shall~~
9 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.

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

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

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

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

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

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

16 **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.

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

18 165.92 (3) (a) Unless otherwise provided in a ~~joint program plan under s.~~
19 ~~165.90 (2) or~~ an agreement between a political subdivision of this state and a tribe,
20 the tribe that employs a tribal law enforcement officer is liable for all acts of the

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

21 **SECTION 9230. Appropriation changes; justice.**

22 (1) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. Of the unencumbered balance
23 in the appropriation account under section 20.455 (2) (hm), 1997 stats., 90% is
24 transferred to the appropriation account under section 20.505 (6) (j) of the statutes,

1 as created by this act, and 10% is transferred to the appropriation account under
2 section 20.455 (2) (k) of the statutes, as affected 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) (hn) and (ho), stats., because those appropriation accounts are being renumbered in LRB-1554 to be ss. 20.455 (2) (kt) and (ku). If LRB-1554 is not included in the budget bill, this draft will have to be changed to include the transfer of the unencumbered balance in the appropriation accounts under s. 20.455 (2) (hn) and (ho), stats., and to correct the reference to s. 20.455 (2) (kt).

3 (2) PENALTY ASSESSMENT RECEIPTS. Of the unencumbered balance in the
4 appropriation account under section 20.455 (2) (i), 1997 stats., 90% is transferred to
5 the appropriation account under section 20.505 (6) (j) of the statutes, as created by
6 this act, and 10% is transferred to the appropriation account under section 20.455
7 (2) (k) of the statutes, as affected by this act.

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

12 (4) AID FOR ALCOHOL AND OTHER DRUG ABUSE PROGRAMS IN SCHOOLS. Ninety
13 percent of the unencumbered balance in the appropriation account under section
14 20.255 (2) (kd) of the statutes, as affected by this act, is transferred to the
15 appropriation account under section 20.505 (6) (j) of the statutes, as created by this
16 act.

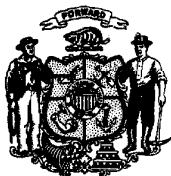
17 (5) PUBLIC DEFENDER CONFERENCES AND TRAINING. Ninety percent of the
18 unencumbered balance in the appropriation account under section 20.550 (1) (kj) of
19 the statutes, as affected by this act, is transferred to the appropriation account under
20 section 20.505 (6) (j) of the statutes, as created by this act.

21

(END)

SECTION 9238: Appropriation changes; public defender board.

SECTION 9239: Appropriation changes; public instruction.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1265/5
JEO:wlj&jlg:lp

D-Note

*redraft
make
run*

6

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

1 transferred from the appropriation account under s. 20.505 (6) (g) (j) to this
2 appropriation account 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.

3 ~~SECTION 7. 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.~~

4 ~~SECTION 8. 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.~~

5 ~~SECTION 9. 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.~~

6 ~~SECTION 10. 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.~~

7 SECTION 11. 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.

8 SECTION 12. 20.455 (2) (j) of the statutes is renumbered 20.455 (2) (kp) and
9 amended to read:

10 20.455 (2) (kp) *Law enforcement training fund, local assistance.* The amounts
11 in the schedule to finance local law enforcement training as provided in s. 165.85 (5)
12 (b) and (5m). All moneys transferred from ~~par. (i)~~ the appropriation account under
13 s. 20.505 (6) (j) to this appropriation account 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 13. 20.455 (2) (ja) of the statutes is renumbered 20.455 (2) (kq) and
16 amended to read:

1 20.455 (5) (kp) *Reimbursement to counties for victim-witness services.* The
2 amounts in the schedule for the purpose of reimbursing counties under s. 950.06 for
3 costs incurred in providing services to victims and witnesses of crime. All moneys
4 transferred from the appropriation account under s. 20.505 (6) (j) to this
5 appropriation account 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.

6 **SECTION 17.** 20.505 (1) (kq) of the statutes is created to read:

7 20.505 (1) (kq) *Justice information systems development, operation and*
8 *maintenance.* The amounts in the schedule for the purpose of developing, operating
9 and maintaining automated justice information systems under s. 16.971 (9). All
10 moneys transferred from the appropriation account under s. 20.505 (6) (j) to this
11 appropriation account 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 18.** 20.505 (6) (g) of the statutes is renumbered 20.505 (6) (kp) and
13 amended to read:

14 20.505 (6) (kp) *Anti-drug enforcement program, penalty assessment — local.*
15 ~~All moneys received from the penalty assessment surcharge on court fines and~~
16 ~~forfeitures as allocated under s. 165.87 (1) The amounts in the schedule to match~~
17 ~~federal funds made available under subtitle K of title I of P.L. 99-570, except as~~
18 ~~provided in par. (h) and s. 20.410 (3) (kj). The executive staff director of the office of~~
19 ~~justice assistance may transfer moneys not needed as matching funds under this~~
20 ~~paragraph to par. (h). The secretary of administration shall transfer \$645,000 from~~
21 ~~this paragraph to s. 20.410 (3) (kj) in each fiscal year. The secretary of administration~~
22 ~~shall transfer \$200,000 in fiscal year 1997-98 and \$200,000 in fiscal year 1998-99~~

1 from this paragraph to the appropriation account under s. 20.455 (2) (k) for a drug
 2 enforcement tactical intelligence unit and shall transfer \$948,800 in fiscal year
 3 1998-99 from this paragraph to the appropriation account under s. 20.455 (2) (k) for
 4 a drug enforcement strategic intelligence unit. All moneys transferred from the
 5 appropriation account under par. (j) to this appropriation account shall be credited
 6 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.

INS
7-7

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

9 20.505 (6) (kt) *Anti-drug enforcement program, penalty assessment — state.*

10 ~~All moneys transferred from par. (g)~~ The amounts in the schedule to match federal

11 funds made available under subtitle K of title I of P.L. 99-570 [↓] regarding allocations [↓]

12 ^{and allocated} to state agencies ~~for planning, programs and administration regarding anti drug~~

13 ~~abuse law enforcement assistance.~~ [↓] The secretary of administration shall transfer

14 \$500,000 in fiscal year 1991-92 from this paragraph to s. 20.455 (2) (i) ^g All moneys

15 transferred from the appropriation account under par. (j) to this appropriation

16 account shall be credited to this appropriation account. ^{plain} ^{to carry out the purposes for which received.}

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

INS
7-17

17 SECTION 20. 20.505 (6) (j) of the statutes is created to read:

18 20.505 (6) (j) *Penalty assessment surcharge receipts.* All moneys received from

19 the penalty assessment surcharge under s. 757.05 on court fines and forfeitures for

20 the purpose of transferring the following amounts to the following appropriation

21 accounts:

1 23.51 (6) "Penalty assessment" means the penalty assessment imposed by s.
2 ~~165.87~~ 757.05.

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

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

1 moneys required by law to be paid on the actions entered during the preceding month
2 on or before the first day of the next succeeding month, certified by the county
3 treasurer's personal signature affixed or attached thereto, and at the same time pay
4 to the state treasurer the amount thereof.

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

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

1 s. 29.983 for the wild animal protection assessment, the amounts required under s.
2 29.987 (1) (d) for the natural resources assessment surcharge, the amounts required
3 by s. 29.985 for the fishing shelter removal assessment, the amounts required by s.
4 350.115 for the snowmobile registration restitution payment and the amounts
5 required under s. 29.989 (1) (d) for the natural resources restitution payments. The
6 payments shall be made by the 15th day of the month following receipt thereof.

7 **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.

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

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

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

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

1 laboratories and drug law enforcement assessment imposed by s. 165.755 and any
2 applicable domestic abuse assessment imposed by s. 973.055 (1).

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

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

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

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

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

1 66.119 (3) (c) If the alleged violator makes a cash deposit and fails to appear
2 in court, the citation may serve as the initial pleading and the violator shall be
3 considered to have tendered a plea of no contest and submitted to a forfeiture, 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 not exceeding the amount of the deposit. The court may either accept the plea of no
8 contest and enter judgment accordingly or reject the plea. If the court finds the
9 violation meets the conditions in s. 800.093 (1), the court may summon the alleged
10 violator into court to determine if restitution shall be ordered under s. 800.093. If
11 the court accepts the plea of no contest, the defendant may move within 10 days after
12 the date set for the appearance to withdraw the plea of no contest, open the judgment
13 and enter a plea of not guilty if the defendant shows to the satisfaction of the court
14 that the failure to appear was due to mistake, inadvertence, surprise or excusable
15 neglect. If the plea of no contest is accepted and not subsequently changed to a plea
16 of not guilty, no costs or fees may be taxed against the violator, but a penalty
17 assessment, a jail assessment, a crime laboratories and drug law enforcement
18 assessment and, if applicable, a domestic abuse assessment shall be assessed. If the
19 court rejects the plea of no contest, an action for collection of the forfeiture, penalty
20 assessment, jail assessment, crime laboratories and drug law enforcement
21 assessment and any applicable domestic abuse assessment may be commenced. A
22 city, village, town sanitary district or public inland lake protection and rehabilitation
23 district may commence action under s. 66.12 (1) and a county or town may commence
24 action under s. 778.10. The citation may be used as the complaint in the action for
25 the collection of the forfeiture, penalty assessment, jail assessment, crime

1 laboratories and drug law enforcement assessment and any applicable domestic
2 abuse assessment.

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

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

1 ~~assessment imposed by s. 973.055 (1), the treasurer of the city, village, town sanitary~~
2 ~~district or public inland lake protection and rehabilitation district shall remit to the~~
3 ~~state treasurer the sum required by law to be paid on the actions so entered during~~
4 ~~the preceding month on or before the first day of the next succeeding month. The~~
5 ~~governing body of the city, village, town sanitary district or public inland lake~~
6 ~~protection and rehabilitation district shall by ordinance designate the official to~~
7 ~~receive the penalties and the terms under which the official shall qualify.~~

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

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

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

23 115.36 (3) (a) (intro.) The department shall, from the appropriation under s.
24 20.255 (2) (g) ~~(g)~~ (kd), fund school district projects designed to assist minors

1 experiencing problems resulting from the use of alcohol or other drugs or to prevent
2 alcohol or other drug abuse by minors. The department shall:

3 **SECTION 35.** 165.85 (5m) of the statutes is repealed.

4 **SECTION 36.** 165.87 (1) (title) of the statutes is repealed.

5 **SECTION 37.** 165.87 (1) (a) of the statutes is renumbered 165.87 and amended
6 to read:

7 **165.87 Law enforcement training fund.** ~~Twenty-seven fifty-fifths of all~~
8 ~~moneys~~ Moneys collected from penalty assessments under ~~this section shall be~~
9 ~~credited s. 757.05 and transferred to the appropriation account under s. 20.455 (2)~~
10 ~~(i) and utilized (kp) and (kq) shall be used in accordance with ss. 20.455 (2) and s.~~
11 ~~165.85 (5) and (5m). The moneys credited to the appropriation account under s.~~
12 ~~20.455 (2) (i), except for the moneys transferred to s. 20.455 (2) (jb), and shall~~
13 constitute the law enforcement training fund.

14 **SECTION 38.** 165.87 (1) (b) of the statutes is repealed.

15 **SECTION 39.** 165.87 (1) (bn) of the statutes is repealed.

16 ~~**SECTION 40.** 165.87 (1) (bp) of the statutes is repealed.~~

17 **SECTION 41.** 165.87 (1) (br) of the statutes is repealed.

18 **SECTION 42.** 165.87 (1) (c) of the statutes is repealed.

19 **SECTION 43.** 165.87 (2) of the statutes is renumbered 757.05.

20 **SECTION 44.** 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), (lm) 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.

21 **SECTION 45.** 165.92 (3) (a) of the statutes is amended to read:

1 165.92 (3) (a) Unless otherwise provided in a joint program plan under s.
2 ~~165.90 (2)~~ or an agreement between a political subdivision of this state and a tribe,
3 the tribe that employs a tribal law enforcement officer is liable for all acts of the
4 officer while acting within the scope of his or her employment and neither the state
5 nor any political subdivision of the state may be held liable for any action of the officer
6 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.

7 **SECTION 46.** 289.33 (3) (d) of the statutes is amended to read:

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

1 ~~62.11, 62.23, 62.231, 62.234, 66.01, 66.052, 66.24 (8), 87.30, 91.73, 196.58, 236.45,~~
2 ~~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.

3 **SECTION 47.** 345.26 (1) (b) 1. of the statutes is amended to read:

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

13 **SECTION 48.** 345.37 (2) of the statutes is amended to read:

14 345.37 (2) If the defendant has made a deposit under s. 345.26, the citation may
15 serve as the initial pleading and the defendant shall be deemed to have tendered a
16 plea of no contest and submitted to a forfeiture and a penalty assessment, if required
17 by s. ~~165.87~~ 757.05, a jail assessment, if required by s. 302.46 (1), a railroad crossing
18 improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a
19 crime laboratories and drug law enforcement assessment, if required by s. 165.755,
20 plus costs, including any applicable fees prescribed in ch. 814, not exceeding the
21 amount of the deposit. The court may either accept the plea of no contest and enter
22 judgment accordingly, or reject the plea and issue a summons under ch. 968. If the
23 defendant fails to appear in response to the summons, the court shall issue a warrant

1 if required by s. 302.46 (1), the railroad crossing improvement assessment, if
2 required by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug
3 law enforcement assessment, if required by s. 165.755, provided for the violation and
4 for costs under s. 345.53 and, in addition, may suspend or revoke his or her operating
5 privilege under s. 343.30. If the judgment is not paid, the court shall order:

6 **SECTION 52.** 345.47 (1) (b) of the statutes is amended to read:

7 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension
8 or revocation, that the defendant's operating privilege be suspended for 30 days or
9 until the person pays the forfeiture, the penalty assessment, if required by s. ~~165.87~~
10 757.05, the jail assessment, if required by s. 302.46 (1), the railroad crossing
11 improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the
12 crime laboratories and drug law enforcement assessment, if required by s. 165.755,
13 but not to exceed 5 years. Suspension under this paragraph shall not affect the power
14 of the court to suspend or revoke under s. 343.30 or the power of the secretary to
15 suspend or revoke the operating privilege.

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

17 345.47 (1) (c) If a court or judge suspends an operating privilege under this
18 section, the court or judge shall immediately take possession of the suspended license
19 and shall forward it to the department together with the notice of suspension, which
20 shall clearly state that the suspension was for failure to pay a forfeiture, a penalty
21 assessment, if required by s. ~~165.87~~ 757.05, a jail assessment, if required by s. 302.46
22 (1), a railroad crossing improvement assessment, if required by s. 346.177, 346.495
23 or 346.65 (4r), [↓] ~~and~~ [↓] a crime laboratories and drug law enforcement assessment, if
24 and the fee required under s. 85.135, ✓
required by s. 165.755, [↓] imposed by the court. The notice of suspension and the
25 suspended license, if it is available, shall be forwarded to the department within 48

1 hours after the order of suspension. If the forfeiture, penalty assessment, jail
 2 assessment, railroad crossing improvement assessment and crime laboratories and
 3 drug law enforcement assessment are paid during a period of suspension, the court
 4 or judge shall immediately notify the department. Upon receipt of the notice and
 5 payment of the reinstatement fee under s. 343.21 (1) (j), the department shall return
 6 the surrendered license.

INS
22-6 ✓

7 **SECTION 54.** 345.49 (1) of the statutes is amended to read:

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

18 **SECTION 55.** 345.61 (2) (c) of the statutes is amended to read:

19 345.61 (2) (c) "Guaranteed arrest bond certificate" as used in this section means
 20 any printed card or other certificate issued by an automobile club, association or
 21 insurance company to any of its members or insureds, which card or certificate is
 22 signed by the member or insureds and contains a printed statement that the
 23 automobile club, association or insurance company and a surety company, or an
 24 insurance company authorized to transact both automobile liability insurance and
 25 surety business, guarantee the appearance of the persons whose signature appears

1 on the card or certificate and that they will in the event of failure of the person to
2 appear in court at the time of trial, pay any fine or forfeiture imposed on the person,
3 including the penalty assessment required by s. ~~165.87~~ 757.05, the jail assessment
4 required by s. 302.46 (1), the railroad crossing improvement assessment required by
5 s. 346.177, 346.495 or 346.65 (4r) and the crime laboratories and drug law
6 enforcement assessment required by s. 165.755, in an amount not exceeding \$200,
7 or \$1,000 as provided in sub. (1) (b).

8 **SECTION 56.** 778.02 of the statutes is amended to read:

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

24 **SECTION 57.** 778.03 of the statutes is amended to read:

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

9 **SECTION 58.** 778.06 of the statutes is amended to read:

10 **778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a
11 specific sum or when it is not less than one sum or more than another, the action may
12 be brought for the highest sum specified and for the penalty assessment imposed by
13 s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories
14 and drug law enforcement assessment imposed by s. 165.755, the enforcement
15 assessment imposed under s. 253.06 (4) (c) or (5) (c) and any applicable domestic
16 abuse assessment imposed by s. 973.055 (1); and judgment may be rendered for such
17 sum as the court or jury shall assess or determine to be proportionate to the offense.

18 **SECTION 59.** 778.10 of the statutes is amended to read:

19 **778.10 Municipal forfeitures, how recovered.** All forfeitures imposed by
20 any ordinance or regulation of any county, town, city or village, or of any other
21 domestic corporation may be sued for and recovered, under this chapter, in the name
22 of the county, town, city, village or corporation. It is sufficient to allege in the
23 complaint that the defendant is indebted to the plaintiff in the amount of the
24 forfeiture claimed, specifying the ordinance or regulation that imposes it and of the
25 penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s.

1 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by
2 s. 165.755 and any applicable domestic abuse assessment imposed by s. 973.055 (1).
3 If the ordinance or regulation imposes a penalty or forfeiture for several offenses or
4 delinquencies the complaint shall specify the particular offenses or delinquency for
5 which the action is brought, with a demand for judgment for the amount of the
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). All moneys collected on the judgment shall be paid to the
10 treasurer of the county, town, city, village or corporation, except that all jail
11 assessments shall be paid to the county treasurer.

12 **SECTION 60.** 778.105 of the statutes is amended to read:

13 **778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by
14 any court or any branch thereof for the violation of any municipal or county
15 ordinance shall be paid to the municipality or county. Penalty assessment payments
16 shall be made as provided in s. ~~165.87~~ 757.05. Jail assessment payments shall be
17 made as provided in s. 302.46 (1). Crime laboratories and drug law enforcement
18 assessment payments shall be paid as provided in s. 165.755. Domestic abuse
19 assessments shall be made as provided in s. 973.055.

20 **SECTION 61.** 778.13 of the statutes is amended to read:

21 **778.13 Forfeitures collected, to whom paid.** All moneys collected in favor
22 of the state for forfeiture, except the portion to be paid to any person who sues with
23 the state, shall be paid by the officer who collects the forfeiture to the treasurer of the
24 county within which the forfeiture was incurred within 20 days after its receipt. In
25 case of any failure in the payment the county treasurer may collect the payment of

1 the officer by action, in the name of the office and upon the official bond of the officer,
2 with interest at the rate of 12% per year from the time when it should have been paid.
3 Penalty assessment payments shall be made as provided in s. ~~165.87~~ 757.05. Jail
4 assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories
5 and drug law enforcement assessment payments shall be paid as provided in s.
6 165.755. Domestic abuse assessments shall be made as provided in s. 973.055.
7 Enforcement assessments shall be made as provided in s. 253.06 (4) (c).

8 **SECTION 62.** 778.18 of the statutes is amended to read:

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

25 **SECTION 63.** 800.03 (3) of the statutes is amended to read:

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

9 **SECTION 64.** 800.04 (2) (b) of the statutes is amended to read:

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

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

3 **SECTION 65.** 800.04 (2) (c) of the statutes is amended to read:

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

17 **SECTION 66.** 800.09 (1) (intro.) of the statutes is amended to read:

18 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it
19 may render judgment by ordering restitution under s. 800.093 and payment of a
20 forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment
21 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
22 assessment imposed by s. 165.755 and any applicable domestic abuse assessment
23 imposed by s. 973.055 (1) plus costs of prosecution, including the fee prescribed in s.
24 814.65 (1). The court shall apply any payment received on a judgment that includes
25 restitution to first satisfy any payment of restitution ordered, then to pay the

1 forfeiture, assessments and costs. If the judgment is not paid, the court may proceed
2 under par. (a), (b) or (c) or any combination of those paragraphs, as follows:

3 ~~SECTION 67. 800.12 (2) of the statutes is amended to read:~~

4 ~~800.12 (2) A municipality may by ordinance provide that a municipal judge~~
5 ~~may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50~~
6 ~~or, upon nonpayment of the forfeiture, penalty assessment under s. ~~165.87~~ 757.05,~~
7 ~~jail assessment under s. 302.46 and crime laboratories and drug law enforcement~~
8 ~~assessment under s. 165.755 and any applicable domestic abuse assessment under~~
9 ~~s. 973.055 (1), a jail sentence not to exceed 7 days.~~

10 SECTION 68. 814.60 (2) (a) of the statutes is amended to read:

11 814.60 (2) (a) Penalty assessment imposed by s. ~~165.87~~ 757.05;

12 SECTION 69. 814.63 (3) (a) of the statutes is amended to read:

13 814.63 (3) (a) Penalty assessment imposed by s. ~~165.87~~ 757.05.

14 SECTION 70. 950.06 (2) of the statutes is amended to read:

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

23 SECTION 71. 973.05 (1) of the statutes is amended to read:

24 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant
25 permission for the payment of the fine, of the penalty assessment imposed by s.

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

24 **SECTION 9230. Appropriation changes; justice.**

1 20.255 (2) (kd) of the statutes, as affected by this act, is transferred to the
2 appropriation account under section 20.505 (6) (j) of the statutes, as created by this
3 act.

4 (END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1265/6ins
JEO:.....

1

INSERT 7-7:

****NOTE: This is reconciled s. 20.505 (6) (g).[✓] This SECTION has been affected by drafts with the following LRB numbers: 1265/5 and 1840/1.

2

INSERT 7-17:

****NOTE: This is reconciled s. 20.505 (6) (h).[✓] This SECTION has been affected by drafts with the following LRB numbers: 1265/5, 1411/4 and 1840/1.

3

INSERT 22-6:

****NOTE: This is reconciled s. 345.47 (1) (c).[✓] This SECTION has been affected by drafts with the following LRB numbers: 1265/5 and 1615/P2.

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

LRB-1265/6dn

JEO:.....

↑
Jg

Andrew Statz; John Etzler; Sarah Justus:

This draft reconciles LRB-0063/1, LRB-1265/5, LRB-1410/1, LRB-1411/1, LRB-1554/4, LRB-1615/P2 and LRB-1840/1. All of these drafts should continue to appear in the compiled bill.

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

LRB-1265/6dn
JEO:jlglp

February 3, 1999

Andrew Statz; John Etzler; Sarah Justus:

This draft reconciles LRB-0063/1, LRB-1265/5, LRB-1410/1, LRB-1411/1, LRB-1554/4, LRB-1615/P2 and LRB-1840/1. All of these drafts should continue to appear in the compiled bill.

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1265/6

JEO:wlj&jlg:lp

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maker
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Today

D. Nate

7

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

2 16.971 (9) In conjunction with the public defender board, the director of state
3 courts, the departments of corrections and justice and district attorneys, the division
4 may maintain, promote and coordinate automated justice information systems that
5 are compatible among counties and the officers and agencies specified in this
6 subsection, using the moneys appropriated under s. 20.505 (1) (ja) and, (kp) and (kq).
7 The division shall annually report to the legislature under s. 13.172 (2) concerning
8 the division's efforts to improve and increase the efficiency of integration of justice
9 information systems.

10 **SECTION 2.** 20.255 (1) (hr) of the statutes is renumbered 20.255 (1) (kd) and
11 amended to read:

12 20.255 (1) (kd) *Alcohol and other drug abuse program.* ~~All moneys received~~
13 ~~under s. 165.87 (1)~~ The amounts in the schedule for the purpose of s. 115.36 (2) and
14 the administration of s. 115.36 (3). All moneys transferred from the appropriation
15 account under s. 20.505 (6) (j) to this appropriation account shall be credited to this
16 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 transferred from the appropriation account under s. 20.505 (6) (g) (j) to this
2 appropriation account 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.

3 **SECTION 7.** 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.

4 **SECTION 8.** 20.455 (2) (j) of the statutes is renumbered 20.455 (2) (kp) and
5 amended to read:

6 20.455 (2) (kp) *Law enforcement training fund, local assistance.* The amounts
7 in the schedule to finance local law enforcement training as provided in s. 165.85 (5)
8 (b) ~~and (5m)~~. All moneys transferred from ~~par. (i)~~ the appropriation account under
9 s. 20.505 (6) (j) to this appropriation account shall be credited to this appropriation
10 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) (ja) of the statutes is renumbered 20.455 (2) (kq) and
12 amended to read:

13 20.455 (2) (kq) *Law enforcement training fund, state operations.* The amounts
14 in the schedule to finance ~~state operations associated with~~ the administration of the
15 law enforcement training fund and to finance training for state law enforcement
16 personnel, as provided in s. 165.85 (5) (b). All moneys transferred from ~~par. (i)~~ the
17 appropriation account under s. 20.505 (6) (j) to this appropriation account shall be
18 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.

19 **SECTION 10.** 20.455 (2) (jb) of the statutes is renumbered 20.455 (2) (kr) and
20 amended to read:

1 this act, and 10% is transferred to the appropriation account under section 20.455
2 (2) (kq) of the statutes, as affected by this act.

3 **SECTION 9238. Appropriation changes; public defender board.**

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

8 **SECTION 9239. Appropriation changes; public instruction.**

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

13 (2) AID FOR ALCOHOL AND OTHER DRUG ABUSE PROGRAMS IN SCHOOLS. Ninety
14 percent of the unencumbered balance in the appropriation account under section
15 20.255 (2) (kd) of the statutes, as affected by this act, is transferred to the
16 appropriation account under section 20.505 (6) (j) of the statutes, as created by this
17 act.

18 (END)

LRB-1265/7 dn
JEO: jlg:

D-Note

¶ This is reconciled LRB-1265. This redraft changes the language in renumbered s. 20.455 (2) (ja) ✓ to strike the reference to "state operations". No other changes were made.

JEO

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1265/7dn
JEO:jlg:hmh

Wednesday, February 3, 1999

This is reconciled LRB-1265. This redraft changes the language in renumbered s. 20.455 (2) (ja) to strike the reference to "state operations". No other changes were made.

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1265/7
JEO:wlj&jlg:hmh

redraft
maker
run

D-Note

8

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

2 16.971 (9) In conjunction with the public defender board, the director of state
3 courts, the departments of corrections and justice and district attorneys, the division
4 may maintain, promote and coordinate automated justice information systems that
5 are compatible among counties and the officers and agencies specified in this
6 subsection, using the moneys appropriated under s. 20.505 (1) (ja) ~~and~~ (kp) and (kq).
7 The division shall annually report to the legislature under s. 13.172 (2) concerning
8 the division's efforts to improve and increase the efficiency of integration of justice
9 information systems.

10 **SECTION 2.** 20.255 (1) (hr) of the statutes is renumbered 20.255 (1) (kd) and
11 amended to read:

12 20.255 (1) (kd) *Alcohol and other drug abuse program.* ~~All moneys received~~
13 ~~under s. 165.87 (1) The amounts in the schedule for the purpose of s. 115.36 (2) and~~
14 ~~the administration of s. 115.36 (3). All moneys transferred from the appropriation~~
15 ~~account under s. 20.505 (6) (i) ~~in the appropriation account~~~~ shall be credited to this
16 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 3. 20.255 (2) (g) of the statutes is renumbered 20.255 (2) (kd) and
2 amended to read:

3 20.255 (2) (kd) *Aid for alcohol and other drug abuse programs.* All moneys
4 received under s. 165.87 (1) The amounts in the schedule for the purpose of s. 115.36

5 (3). All moneys transferred from the appropriation account under s. 20.505 (6) (j) ^{5.}

6 ~~This appropriation account~~ 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 4. 20.410 (1) (jp) of the statutes is renumbered 20.410 (1) (kp) and
8 amended to read:

9 20.410 (1) (kp) *Correctional officer training.* The amounts in the schedule to
10 finance correctional officers training under s. 301.28. All moneys ~~received from the~~
11 ~~penalty assessment surcharge on court fines and forfeitures as allocated~~ transferred

12 from the appropriation account under s. 165.87 (1) ^{6.} 20.505 (6) (j) ~~from this appropriation~~

13 ~~account~~ 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.

14 SECTION 5. 20.410 (1) (kv) of the statutes is created to read:

15 20.410 (1) (kv) *Information technology.* The amounts in the schedule for the
16 purpose of maintaining, developing and operating information systems. All moneys
17 transferred from the appropriation account under s. 20.505 (6) (j) ^{7.} ~~in this~~

18 ~~appropriation account~~ 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.

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

20 20.410 (3) (kj) *Youth diversion program.* ~~Biennially, the~~ The amounts in the
21 schedule for youth diversion services under s. 301.265 (1) and (3). All moneys

1 transferred from the appropriation account under s. 20.505 (6) (g) ^{3.} (j) ~~XXXXXX~~

2 ~~appropriation account~~ 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.

3 SECTION 7. 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.

4 SECTION 8. 20.455 (2) (j) of the statutes is renumbered 20.455 (2) (kp) and
5 amended to read:

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

9 s. 20.505 (6) (j) ^{1.} ~~this appropriation account~~ shall be credited to this appropriation
10 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) (ja) of the statutes is renumbered 20.455 (2) (kq) and
12 amended to read:

13 20.455 (2) (kq) *Law enforcement training fund, state operations.* The amounts
14 in the schedule to finance ~~state operations associated with~~ the administration of the
15 law enforcement training fund and to finance training for state law enforcement
16 personnel, as provided in s. 165.85 (5) (b). All moneys transferred from par. (i) the

17 appropriation account under s. 20.505 (6) (j) ^{2.} ~~this appropriation account~~ shall be
18 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.

19 SECTION 10. 20.455 (2) (jb) of the statutes is renumbered 20.455 (2) (kr) and
20 amended to read:

1 20.455 (2) (kr) *Crime laboratory equipment and supplies.* Biennially, the The
 2 amounts in the schedule for the maintenance, repair, upgrading and replacement
 3 costs of the laboratory equipment, and for supplies used to maintain, repair, upgrade
 4 and replace that equipment, in the state and regional crime laboratories. All moneys
 5 transferred from ~~par. (i) the appropriation account under s. 20.505 (6) (j) to this~~
 6 ~~appropriation account~~ 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 11.** 20.455 (2) (ke) of the statutes is created to read:

8 20.455 (2) (ke) *Drug enforcement intelligence operations.* The amounts in the
 9 schedule for drug enforcement tactical and strategic intelligence units. All moneys
 10 transferred from the appropriation account under s. 20.505 (6) (j) ~~to this~~
 11 ~~appropriation account~~ 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 12.** 20.455 (5) (kp) of the statutes is created to read:

13 20.455 (5) (kp) *Reimbursement to counties for victim-witness services.* The
 14 amounts in the schedule for the purpose of reimbursing counties under s. 950.06 (2)
 15 for costs incurred in providing services to victims and witnesses of crime. All moneys
 16 transferred from the appropriation account under s. 20.505 (6) (j) ~~to this~~
 17 ~~appropriation account~~ 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 13.** 20.505 (1) (kq) of the statutes is created to read:

19 20.505 (1) (kq) *Justice information systems development, operation and*
 20 *maintenance.* The amounts in the schedule for the purpose of developing, operating
 21 and maintaining automated justice information systems under s. 16.971 (9). All

(2.)

1 moneys transferred from the appropriation account under s. 20.505 (6) (j) ~~to this appropriation account~~
2 ~~appropriation account~~ 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.

3 SECTION 14. 20.505 (6) (g) of the statutes is renumbered 20.505 (6) (kp) and
4 amended to read:

5 20.505 (6) (kp) *Anti-drug enforcement program, penalty assessment — local.*
6 ~~All moneys received from the penalty assessment surcharge on court fines and~~
7 ~~forfeitures as allocated under s. 165.87 (1) The amounts in the schedule to match~~
8 ~~federal funds made available under subtitle K of title I of P.L. 99-570, except as~~
9 ~~provided in par. (h) and s. 20.410 (3) (kj). The executive staff director of the office of~~
10 ~~justice assistance may transfer moneys not needed as matching funds under this~~
11 ~~paragraph to par. (h). The secretary of administration shall transfer \$645,000 from~~
12 ~~this paragraph to s. 20.410 (3) (kj) in each fiscal year. The secretary of administration~~
13 ~~shall transfer \$200,000 in fiscal year 1997-98 and \$200,000 in fiscal year 1998-99~~
14 ~~from this paragraph to the appropriation account under s. 20.455 (2) (k) for a drug~~
15 ~~enforcement tactical intelligence unit and shall transfer \$948,800 in fiscal year~~
16 ~~1998-99 from this paragraph to the appropriation account under s. 20.455 (2) (k) for~~
17 ~~a drug enforcement strategic intelligence unit. All moneys transferred from the~~
18 ~~appropriation account under par. (j) to this appropriation account~~ shall be credited
19 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.

***NOTE: This is reconciled s. 20.505 (6) (g). This SECTION has been affected by drafts with the following LRB numbers: 1265/5 and 1840/1.

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

1 20.505 (6) (kt) *Anti-drug enforcement program, penalty assessment — state.*
 2 ~~All moneys transferred from par. (g) The amounts in the schedule to match federal~~
 3 ~~funds made available under subtitle K of title I of P.L. 99-570 regarding allocations~~
 4 ~~and allocated to state agencies for planning, programs and administration regarding~~
 5 ~~anti-drug abuse law enforcement assistance. The secretary of administration shall~~
 6 ~~transfer \$500,000 in fiscal year 1991-92 from this paragraph to s. 20.455 (2) (i) to~~
 7 ~~carry out the purposes for which received. All moneys transferred from the~~
 8 ~~appropriation account under par. (i) ^{14.} ~~to this appropriation account~~ shall be credited~~
 9 ~~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.

****NOTE: This is reconciled s. 20.505 (6) (h). This SECTION has been affected by drafts with the following LRB numbers: 1265/5, 1411/4 and 1840/1.

10 **SECTION 16.** 20.505 (6) (j) of the statutes is created to read:

11 20.505 (6) (j) *Penalty assessment surcharge receipts.* All moneys received from
 12 the penalty assessment surcharge under s. 757.05 on court fines and forfeitures for
 13 the purpose of transferring the following amounts to the following appropriation
 14 accounts:

- 15 1. The amount transferred to s. 20.455 (2) (kp) shall be the amount in the
 16 schedule under s. 20.455 (2) (kp).
- 17 2. The amount transferred to s. 20.455 (2) (kq) shall be the amount in the
 18 schedule under s. 20.455 (2) (kq).
- 19 3. The amount transferred to ~~s. 20.505 (6) (kp)~~ (kp) shall be the amount in the
 20 schedule under ~~s. 20.505 (6) (kp)~~ (kp). par.
- 21 4. The amount transferred to s. 20.255 (1) (kd) shall be the amount in the
 22 schedule under s. 20.255 (1) (kd).

and all moneys transferred under 1999 Wisconsin Act... (this act), sections 9230 (1) and (2), 9238 (1) and 9239 (1) and (2);

auto ref A auto ref B auto ref C auto ref D auto ref E

1 5. The amount transferred to s. 20.255 (2) (kd) shall be the amount in the
2 schedule under s. 20.255 (2) (kd).

3 6. The amount transferred to s. 20.410 (1) (kp) shall be the amount in the
4 schedule under s. 20.410 (1) (kp).

5 7. The amount transferred to s. 20.410 (1) (kv) shall be the amount in the
6 schedule under s. 20.410 (1) (kv).

7 8. The amount transferred to s. 20.410 (3) (kj) shall be the amount in the
8 schedule under s. 20.410 (3) (kj).

9 9. The amount transferred to s. 20.455 (2) (ke) shall be of the amount in the
10 schedule under s. 20.455 (2) (ke).

11 10. The amount transferred to s. 20.455 (2) (kr) shall be of the amount in the
12 schedule under s. 20.455 (2) (kr).

13 11. The amount transferred to s. 20.455 (5) (kp) shall be the amount in the
14 schedule under s. 20.455 (5) (kp).

15 12. The amount transferred to ~~s. 20.505~~ ^{sub.} (1) (kq) shall be the amount in the
16 schedule under ~~s. 20.505~~ ^{sub.} (1) (kq).

17 13. The amount transferred to par. (k) shall be the amount in the schedule
18 under par. (k).

19 14. The amount transferred to par. (kt) [✓] shall be the amount in the schedule
20 under par. (kt).

21 15. The amount transferred to s. 20.550 (1) (kj) shall be the amount in the
22 schedule under s. 20.550 (1) (kj).

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

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

1 20.505 (6) (k) *Anti-drug enforcement program — administration.* All moneys
 2 received from any state agency for planning, programs and administration regarding
 3 anti-drug abuse The amounts in the schedule for the purpose of administering
 4 federal grants for law enforcement assistance. All moneys transferred from the
 5 appropriation account under par. (j) ^{13.} ~~to this appropriation account~~ shall be credited
 6 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 18.** 20.550 (1) (j) of the statutes is renumbered 20.550 (1) (kj) and
 8 amended to read:

9 20.550 (1) (kj) *Conferences and training.* The amounts in the schedule to
 10 sponsor conferences and training under ch. 977. All moneys ~~received~~ transferred
 11 from the ~~penalty assessment surcharge on court fines and forfeitures as allocated~~
 12 appropriation account under s. 165.87 (1) (br) ^{15.} ~~to this appropriation~~
 13 ~~account~~ 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.

14 **SECTION 19.** 23.51 (6) of the statutes is amended to read:

15 23.51 (6) "Penalty assessment" means the penalty assessment imposed by s.
 16 ~~165.87~~ 757.05.

17 **SECTION 20.** 66.12 (3) (b) of the statutes is amended to read:

18 66.12 (3) (b) All forfeitures and penalties recovered for the violation of any
 19 ordinance or bylaw of any city, village, town, town sanitary district or public inland
 20 lake protection and rehabilitation district shall be paid into the city, village, town,
 21 town sanitary district or public inland lake protection and rehabilitation district
 22 treasury for the use of the city, village, town, town sanitary district or public inland

1 insurance company authorized to transact both automobile liability insurance and
2 surety business, guarantee the appearance of the persons whose signature appears
3 on the card or certificate and that they will in the event of failure of the person to
4 appear in court at the time of trial, pay any fine or forfeiture imposed on the person,
5 including the penalty assessment required by s. ~~165.87~~ 757.05, the jail assessment
6 required by s. 302.46 (1), the railroad crossing improvement assessment required by
7 s. 346.177, 346.495 or 346.65 (4r) and the crime laboratories and drug law
8 enforcement assessment required by s. 165.755, in an amount not exceeding \$200,
9 or \$1,000 as provided in sub. (1) (b).

10 **SECTION 39.** 814.60 (2) (a) of the statutes is amended to read:

11 814.60 (2) (a) Penalty assessment imposed by s. ~~165.87~~ 757.05;

12 **SECTION 40.** 814.63 (3) (a) of the statutes is amended to read:

13 814.63 (3) (a) Penalty assessment imposed by s. ~~165.87~~ 757.05.

14 **SECTION 9230. Appropriation changes; justice.**

15 auto ref
A → (1)

(1) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. Of the unencumbered balance
16 in the appropriation account under section 20.455 (2) (hm), 1997 stats., 90% is
17 transferred to the appropriation account under section 20.505 (6) (j) of the statutes,
18 as created by this act, and 10% is transferred to the appropriation account under
19 section 20.455 (2) (ku) of the statutes, as affected 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) (hn) and (ho), stats., because those
appropriation accounts are being renumbered in LRB-1554 to be ss. 20.455 (2) (kt) and
(ku). If LRB-1554 is not included in the budget bill, this draft will have to be changed
to include the transfer of the unencumbered balance in the appropriation accounts under
s. 20.455 (2) (hn) and (ho), stats., and to correct the reference to s. 20.455 (2) (ku).

20 auto
ref B → (2)

(2) PENALTY ASSESSMENT RECEIPTS. Of the unencumbered balance in the
21 appropriation account under section 20.455 (2) (i), 1997 stats., 90% is transferred to
22 the appropriation account under section 20.505 (6) (j) of the statutes, as created by

1 this act, and 10% is transferred to the appropriation account under section 20.455
2 (2) (kq) of the statutes, as affected by this act.

3 **SECTION 9238. Appropriation changes; public defender board.**

4 *Auto ref*
C → (1)

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

8 **SECTION 9239. Appropriation changes; public instruction.**

9 *Auto ref*
C → (1)

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

13 *Auto ref*
C → (2)

(2) AID FOR ALCOHOL AND OTHER DRUG ABUSE PROGRAMS IN SCHOOLS. Ninety
14 percent of the unencumbered balance in the appropriation account under section
15 20.255 (2) (kd) of the statutes, as affected by this act, is transferred to the
16 appropriation account under section 20.505 (6) (j) of the statutes, as created by this
17 act.

18

(END)

LRB-1265/8dn
JEO: jlg:

D-Note

Andrew Stata:

¶ This is reconciled LRB-1265. It inserts specific subdivision references in the ~~PR-5~~ PR-5 appropriations that receive money from proposed s. 20.505 (6) (j).[✓] It also inserts ^{in proposed s. 20.505 (6) (j)} a reference to the appropriation transfers under ^(CS) SECTIONS 9230, 9238 and 9239.[✓] In accordance with your instructions I did not include a mechanism for amounts in the schedule for the increasing the sum certain appropriations receiving money under ^(CS) SECTION 9230 (1) and (2).

(JEO)

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

LRB-1265/8dn
JEO:wlj&jlg:hmh

Tuesday, February 9, 1999

Andrew Statz:

This is reconciled LRB-1265. It inserts specific subdivision references in the PR-S appropriations that receive money from proposed s. 20.505 (6) (j). It also inserts in proposed s. 20.505 (6) (j) a reference to the appropriation transfers under SECTIONS 9230, 9238 and 9239. In accordance with your instructions I did not include a mechanism for increasing the amounts in the schedule for the sum certain appropriations receiving money under SECTION 9230 (1) and (2).

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1265/8
JEO:wlj&jlg:hmh

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

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

2 16.971 (9) In conjunction with the public defender board, the director of state
3 courts, the departments of corrections and justice and district attorneys, the division
4 may maintain, promote and coordinate automated justice information systems that
5 are compatible among counties and the officers and agencies specified in this
6 subsection, using the moneys appropriated under s. 20.505 (1) (ja) ~~and~~, (kp) ~~and~~ (kq).
7 The division shall annually report to the legislature under s. 13.172 (2) concerning
8 the division's efforts to improve and increase the efficiency of integration of justice
9 information systems.

10 **SECTION 2.** 20.255 (1) (hr) of the statutes is renumbered 20.255 (1) (kd) and
11 amended to read:

12 20.255 (1) (kd) *Alcohol and other drug abuse program.* ~~All moneys received~~
13 ~~under s. 165.87 (1) The amounts in the schedule for the purpose of s. 115.36 (2) and~~
14 ~~the administration of s. 115.36 (3). All moneys transferred from the appropriation~~
15 ~~account under s. 20.505 (6) (j) 4. 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 3.** 20.255 (2) (g) of the statutes is renumbered 20.255 (2) (kd) and
17 amended to read:

1 20.255 (2) (kd) *Aid for alcohol and other drug abuse programs.* All moneys
2 received under s. 165.87 (1) The amounts in the schedule for the purpose of s. 115.36
3 (3). All moneys transferred from the appropriation account under s. 20.505 (6) (j) 5.
4 shall be credited to this appropriation account.

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

5 **SECTION 4.** 20.410 (1) (jp) of the statutes is renumbered 20.410 (1) (kp) and
6 amended to read:

7 20.410 (1) (kp) *Correctional officer training.* The amounts in the schedule to
8 finance correctional officers training under s. 301.28. All moneys ~~received from the~~
9 ~~penalty assessment surcharge on court fines and forfeitures as allocated~~ transferred
10 from the appropriation account under s. ~~165.87 (1)~~ 20.505 (6) (j) 6. 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 5.** 20.410 (1) (kv) of the statutes is created to read:

13 20.410 (1) (kv) *Information technology.* The amounts in the schedule for the
14 purpose of maintaining, developing and operating information systems. All moneys
15 transferred from the appropriation account under s. 20.505 (6) (j) 7. shall be credited
16 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.

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

18 20.410 (3) (kj) *Youth diversion program.* ~~Biennially, the~~ The amounts in the
19 schedule for youth diversion services under s. 301.265 (1) and (3). All moneys
20 transferred from the appropriation account under s. 20.505 (6) ~~(g)~~ (j) 8. shall be
21 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 7.** 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.

2 **SECTION 8.** 20.455 (2) (j) of the statutes is renumbered 20.455 (2) (kp) and
3 amended to read:

4 20.455 (2) (kp) *Law enforcement training fund, local assistance.* The amounts
5 in the schedule to finance local law enforcement training as provided in s. 165.85 (5)
6 (b) ~~and (5m)~~. All moneys transferred from ~~par. (i) the appropriation account under~~
7 s. 20.505 (6) (j) 1. 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.

8 **SECTION 9.** 20.455 (2) (ja) of the statutes is renumbered 20.455 (2) (kq) and
9 amended to read:

10 20.455 (2) (kq) *Law enforcement training fund, state operations.* The amounts
11 in the schedule to finance ~~state operations associated with~~ the administration of the
12 law enforcement training fund and to finance training for state law enforcement
13 personnel, as provided in s. 165.85 (5) (b). All moneys transferred from ~~par. (i) the~~
14 appropriation account under s. 20.505 (6) (j) 2. shall be credited to this appropriation
15 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 10.** 20.455 (2) (jb) of the statutes is renumbered 20.455 (2) (kr) and
17 amended to read:

18 20.455 (2) (kr) *Crime laboratory equipment and supplies.* ~~Biennially, the~~ The
19 amounts in the schedule for the maintenance, repair, upgrading and replacement
20 costs of the laboratory equipment, and for supplies used to maintain, repair, upgrade

1 and replace that equipment, in the state and regional crime laboratories. All moneys
2 transferred from ~~par. (i) the appropriation account under s. 20.505 (6) (j) 10.~~ shall be
3 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.

4 **SECTION 11.** 20.455 (2) (ke) of the statutes is created to read:

5 20.455 (2) (ke) *Drug enforcement intelligence operations.* The amounts in the
6 schedule for drug enforcement tactical and strategic intelligence units. All moneys
7 transferred from the appropriation account under s. 20.505 (6) (j) 9. shall be credited
8 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.

9 **SECTION 12.** 20.455 (5) (kp) of the statutes is created to read:

10 20.455 (5) (kp) *Reimbursement to counties for victim-witness services.* The
11 amounts in the schedule for the purpose of reimbursing counties under s. 950.06 (2)
12 for costs incurred in providing services to victims and witnesses of crime. All moneys
13 transferred from the appropriation account under s. 20.505 (6) (j) 11. shall be credited
14 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 13.** 20.505 (1) (kq) of the statutes is created to read:

16 20.505 (1) (kq) *Justice information systems development, operation and*
17 *maintenance.* The amounts in the schedule for the purpose of developing, operating
18 and maintaining automated justice information systems under s. 16.971 (9). All
19 moneys transferred from the appropriation account under s. 20.505 (6) (j) 12. shall
20 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.

1 **SECTION 14.** 20.505 (6) (g) of the statutes is renumbered 20.505 (6) (kp) and
2 amended to read:

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). The executive staff director of the office of~~
8 ~~justice assistance may transfer moneys not needed as matching funds under this~~
9 ~~paragraph to par. (h). The secretary of administration shall transfer \$645,000 from~~
10 ~~this paragraph to s. 20.410 (3) (kj) in each fiscal year. The secretary of administration~~
11 ~~shall transfer \$200,000 in fiscal year 1997-98 and \$200,000 in fiscal year 1998-99~~
12 ~~from this paragraph to the appropriation account under s. 20.455 (2) (k) for a drug~~
13 ~~enforcement tactical intelligence unit and shall transfer \$948,800 in fiscal year~~
14 ~~1998-99 from this paragraph to the appropriation account under s. 20.455 (2) (k) for~~
15 ~~a drug enforcement strategic intelligence unit. All moneys transferred from the~~
16 ~~appropriation account under par. (j) 3. 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.

 ***NOTE: This is reconciled s. 20.505 (6) (g). This SECTION has been affected by drafts with the following LRB numbers: 1265/5 and 1840/1.

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

19 20.505 (6) (kt) *Anti-drug enforcement program, penalty assessment — state.*
20 ~~All moneys transferred from par. (g) The amounts in the schedule to match federal~~
21 funds made available under subtitle K of title I of P.L. 99-570 ~~regarding allocations~~
22 ~~and allocated to state agencies for planning, programs and administration regarding~~

1 ~~anti drug abuse law enforcement assistance. The secretary of administration shall~~
2 ~~transfer \$500,000 in fiscal year 1991-92 from this paragraph to s. 20.455 (2) (i) to~~
3 ~~carry out the purposes for which received. All moneys transferred from the~~
4 ~~appropriation account under par. (j) 14. shall be credited to this appropriation~~
5 ~~account.~~

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

***NOTE: This is reconciled s. 20.505 (6) (h). This SECTION has been affected by drafts with the following LRB numbers: 1265/5, 1411/4 and 1840/1.

6 **SECTION 16.** 20.505 (6) (j) of the statutes is created to read:

7 20.505 (6) (j) *Penalty assessment surcharge receipts.* All moneys received from
8 the penalty assessment surcharge under s. 757.05 on court fines and forfeitures and
9 all moneys transferred under 1999 Wisconsin Act (this act), sections 9230 (1) and
10 (2), 9238 (1) and 9239 (1) and (2), for the purpose of transferring the following
11 amounts to the following appropriation accounts:

12 1. The amount transferred to s. 20.455 (2) (kp) shall be the amount in the
13 schedule under s. 20.455 (2) (kp).

14 2. The amount transferred to s. 20.455 (2) (kq) shall be the amount in the
15 schedule under s. 20.455 (2) (kq).

16 3. The amount transferred to par. (kp) shall be the amount in the schedule
17 under par. (kp).

18 4. The amount transferred to s. 20.255 (1) (kd) shall be the amount in the
19 schedule under s. 20.255 (1) (kd).

20 5. The amount transferred to s. 20.255 (2) (kd) shall be the amount in the
21 schedule under s. 20.255 (2) (kd).

1 6. The amount transferred to s. 20.410 (1) (kp) shall be the amount in the
2 schedule under s. 20.410 (1) (kp).

3 7. The amount transferred to s. 20.410 (1) (kv) shall be the amount in the
4 schedule under s. 20.410 (1) (kv).

5 8. The amount transferred to s. 20.410 (3) (kj) shall be the amount in the
6 schedule under s. 20.410 (3) (kj).

7 9. The amount transferred to s. 20.455 (2) (ke) shall be of the amount in the
8 schedule under s. 20.455 (2) (ke).

9 10. The amount transferred to s. 20.455 (2) (kr) shall be of the amount in the
10 schedule under s. 20.455 (2) (kr).

11 11. The amount transferred to s. 20.455 (5) (kp) shall be the amount in the
12 schedule under s. 20.455 (5) (kp).

13 12. The amount transferred to sub. (1) (kq) shall be the amount in the schedule
14 under sub. (1) (kq).

15 13. The amount transferred to par. (k) shall be the amount in the schedule
16 under par. (k).

17 14. The amount transferred to par. (kt) shall be the amount in the schedule
18 under par. (kt).

19 15. The amount transferred to s. 20.550 (1) (kj) shall be the amount in the
20 schedule under s. 20.550 (1) (kj).

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

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

22 20.505 (6) (k) *Anti-drug enforcement program — administration. All moneys*
23 *received from any state agency for planning, programs and administration regarding*

1 ~~anti-drug abuse~~ The amounts in the schedule for the purpose of administering
2 federal grants for law enforcement assistance. All moneys transferred from the
3 appropriation account under par. (j) 13. shall be credited to this appropriation
4 account.

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

5 **SECTION 18.** 20.550 (1) (j) of the statutes is renumbered 20.550 (1) (kj) and
6 amended to read:

7 20.550 (1) (kj) *Conferences and training.* The amounts in the schedule to
8 sponsor conferences and training under ch. 977. All moneys ~~received~~ transferred
9 from the penalty assessment surcharge on court fines and forfeitures as allocated
10 appropriation account under s. ~~165.87 (1) (br)~~ 20.505 (6) (j) 15. shall be credited to
11 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.** 23.51 (6) of the statutes is amended to read:

13 23.51 (6) "Penalty assessment" means the penalty assessment imposed by s.
14 ~~165.87~~ 757.05.

15 **SECTION 20.** 66.12 (3) (b) of the statutes is amended to read:

16 66.12 (3) (b) All forfeitures and penalties recovered for the violation of any
17 ordinance or bylaw of any city, village, town, town sanitary district or public inland
18 lake protection and rehabilitation district shall be paid into the city, village, town,
19 town sanitary district or public inland lake protection and rehabilitation district
20 treasury for the use of the city, village, town, town sanitary district or public inland
21 lake protection and rehabilitation district, except as otherwise provided in par. (c),
22 sub. (1) (b) and s. ~~165.87~~ 757.05. The judge shall report and pay into the treasury,

1 quarterly, or at more frequent intervals if so required, all moneys collected belonging
2 to the city, village, town, town sanitary district or public inland lake protection and
3 rehabilitation district, which report shall be certified and filed in the office of the
4 treasurer; and the judge shall be entitled to duplicate receipts for such moneys, one
5 of which he or she shall file with the city, village or town clerk or with the town
6 sanitary district or the public inland lake protection and rehabilitation district.

7 **SECTION 21.** 115.36 (3) (a) (intro.) of the statutes is amended to read:

8 115.36 (3) (a) (intro.) The department shall, from the appropriation under s.
9 20.255 (2) (g) (kd), fund school district projects designed to assist minors
10 experiencing problems resulting from the use of alcohol or other drugs or to prevent
11 alcohol or other drug abuse by minors. The department shall:

12 **SECTION 22.** 165.85 (5m) of the statutes is repealed.

13 **SECTION 23.** 165.87 (1) (title) of the statutes is repealed.

14 **SECTION 24.** 165.87 (1) (a) of the statutes is renumbered 165.87 and amended
15 to read:

16 **165.87 Law enforcement training fund.** ~~Twenty-seven fifty-fifths of all~~
17 ~~moneys~~ Moneys collected from penalty assessments under ~~this section shall be~~
18 ~~credited s. 757.05 and transferred~~ to the appropriation account under s. 20.455 (2)
19 ~~(i) and utilized (kp) and (kq) shall be used~~ in accordance with ~~ss. 20.455 (2) and s.~~
20 ~~165.85 (5) and (5m). The moneys credited to the appropriation account under s.~~
21 ~~20.455 (2) (i), except for the moneys transferred to s. 20.455 (2) (jb), and shall~~
22 constitute the law enforcement training fund.

23 **SECTION 25.** 165.87 (1) (b) of the statutes is repealed.

24 **SECTION 26.** 165.87 (1) (bn) of the statutes is repealed.

25 **SECTION 27.** 165.87 (1) (br) of the statutes is repealed.

1 **SECTION 28.** 165.87 (1) (c) of the statutes is repealed.

2 **SECTION 29.** 165.87 (2) of the statutes is renumbered 757.05.

3 **SECTION 30.** 345.26 (1) (b) 1. of the statutes is amended to read:

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

13 **SECTION 31.** 345.37 (2) of the statutes is amended to read:

14 345.37 (2) If the defendant has made a deposit under s. 345.26, the citation may
15 serve as the initial pleading and the defendant shall be deemed to have tendered a
16 plea of no contest and submitted to a forfeiture and a penalty assessment, if required
17 by s. ~~165.87~~ 757.05, a jail assessment, if required by s. 302.46 (1), a railroad crossing
18 improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a
19 crime laboratories and drug law enforcement assessment, if required by s. 165.755,
20 plus costs, including any applicable fees prescribed in ch. 814, not exceeding the
21 amount of the deposit. The court may either accept the plea of no contest and enter
22 judgment accordingly, or reject the plea and issue a summons under ch. 968. If the
23 defendant fails to appear in response to the summons, the court shall issue a warrant
24 under ch. 968. If the court accepts the plea of no contest, the defendant may move
25 within 6 months after the date set for the appearance to withdraw the plea of no

1 contest, open the judgment and enter a plea of not guilty upon a showing to the
2 satisfaction of the court that the failure to appear was due to mistake, inadvertence,
3 surprise or excusable neglect. If on reopening the defendant is found not guilty, the
4 court shall immediately notify the department to delete the record of conviction
5 based on the original proceeding and shall order the defendant's deposit returned.

6 **SECTION 32.** 345.37 (5) of the statutes is amended to read:

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

14 **SECTION 33.** 345.375 (2) of the statutes is amended to read:

15 345.375 (2) Upon default of the defendant corporation or limited liability
16 company or upon conviction, judgment for the amount of the forfeiture, the penalty
17 assessment, if required under s. ~~165.87~~ 757.05, the jail assessment, if required by s.
18 302.46 (1), and the crime laboratories and drug law enforcement assessment, if
19 required under s. 165.755, shall be entered.

20 **SECTION 34.** 345.47 (1) (intro.) of the statutes is amended to read:

21 345.47 (1) (intro.) If the defendant is found guilty, the court may enter
22 judgment against the defendant for a monetary amount not to exceed the maximum
23 forfeiture, penalty assessment, if required by s. ~~165.87~~ 757.05, the jail assessment,
24 if required by s. 302.46 (1), the railroad crossing improvement assessment, if
25 required by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug

1 law enforcement assessment, if required by s. 165.755, provided for the violation and
2 for costs under s. 345.53 and, in addition, may suspend or revoke his or her operating
3 privilege under s. 343.30. If the judgment is not paid, the court shall order:

4 **SECTION 35.** 345.47 (1) (b) of the statutes is amended to read:

5 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension
6 or revocation, that the defendant's operating privilege be suspended for 30 days or
7 until the person pays the forfeiture, the penalty assessment, if required by s. ~~165.87~~
8 757.05, the jail assessment, if required by s. 302.46 (1), the railroad crossing
9 improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the
10 crime laboratories and drug law enforcement assessment, if required by s. 165.755,
11 but not to exceed 5 years. Suspension under this paragraph shall not affect the power
12 of the court to suspend or revoke under s. 343.30 or the power of the secretary to
13 suspend or revoke the operating privilege.

14 **SECTION 36.** 345.47 (1) (c) of the statutes is amended to read:

15 345.47 (1) (c) If a court or judge suspends an operating privilege under this
16 section, the court or judge shall immediately take possession of the suspended license
17 and shall forward it to the department together with the notice of suspension, which
18 shall clearly state that the suspension was for failure to pay a forfeiture, a penalty
19 assessment, if required by s. ~~165.87~~ 757.05, a jail assessment, if required by s. 302.46
20 (1), a railroad crossing improvement assessment, if required by s. 346.177, 346.495
21 or 346.65 (4r), and a crime laboratories and drug law enforcement assessment, if
22 required by s. 165.755, and the fee required under s. 85.135, imposed by the court.
23 The notice of suspension and the suspended license, if it is available, shall be
24 forwarded to the department within 48 hours after the order of suspension. If the
25 forfeiture, penalty assessment, jail assessment, railroad crossing improvement

1 assessment and crime laboratories and drug law enforcement assessment are paid
2 during a period of suspension, the court or judge shall immediately notify the
3 department. Upon receipt of the notice and payment of the reinstatement fee under
4 s. 343.21 (1) (j), the department shall return the surrendered license.

****NOTE: This is reconciled s. 345.47 (1) (c). This SECTION has been affected by
drafts with the following LRB numbers: 1265/5 and 1615/P2.

5 **SECTION 37.** 345.49 (1) of the statutes is amended to read:

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

16 **SECTION 38.** 345.61 (2) (c) of the statutes is amended to read:

17 345.61 (2) (c) "Guaranteed arrest bond certificate" as used in this section means
18 any printed card or other certificate issued by an automobile club, association or
19 insurance company to any of its members or insureds, which card or certificate is
20 signed by the member or insureds and contains a printed statement that the
21 automobile club, association or insurance company and a surety company, or an
22 insurance company authorized to transact both automobile liability insurance and
23 surety business, guarantee the appearance of the persons whose signature appears

1 on the card or certificate and that they will in the event of failure of the person to
2 appear in court at the time of trial, pay any fine or forfeiture imposed on the person,
3 including the penalty assessment required by s. ~~165.87~~ 757.05, the jail assessment
4 required by s. 302.46 (1), the railroad crossing improvement assessment required by
5 s. 346.177, 346.495 or 346.65 (1r) and the crime laboratories and drug law
6 enforcement assessment required by s. 165.755, in an amount not exceeding \$200,
7 or \$1,000 as provided in sub. (1) (b).

8 **SECTION 39.** 814.60 (2) (a) of the statutes is amended to read:

9 814.60 (2) (a) Penalty assessment imposed by s. ~~165.87~~ 757.05;

10 **SECTION 40.** 814.63 (3) (a) of the statutes is amended to read:

11 814.63 (3) (a) Penalty assessment imposed by s. ~~165.87~~ 757.05.

12 **SECTION 9230. Appropriation changes; justice.**

13 (1) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. Of the unencumbered balance
14 in the appropriation account under section 20.455 (2) (hm), 1997 stats., 90% is
15 transferred to the appropriation account under section 20.505 (6) (j) of the statutes,
16 as created by this act, and 10% is transferred to the appropriation account under
17 section 20.455 (2) (ku) of the statutes, as affected 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) (hn) and (ho), stats., because those
appropriation accounts are being renumbered in LRB-1554 to be ss. 20.455 (2) (kt) and
(ku). If LRB-1554 is not included in the budget bill, this draft will have to be changed
to include the transfer of the unencumbered balance in the appropriation accounts under
s. 20.455 (2) (hn) and (ho), stats., and to correct the reference to s. 20.455 (2) (ku).

18 (2) PENALTY ASSESSMENT RECEIPTS. Of the unencumbered balance in the
19 appropriation account under section 20.455 (2) (i), 1997 stats., 90% is transferred to
20 the appropriation account under section 20.505 (6) (j) of the statutes, as created by
21 this act, and 10% is transferred to the appropriation account under section 20.455
22 (2) (kq) of the statutes, as affected by this act.

