

1 ***-0536/1.7*** SECTION 3136. 767.265 (2h) of the statutes, as affected by 1999
2 Wisconsin Act ... (this act), is amended to read:

3 767.265 (2h) If a court-ordered assignment, including the assignment
4 specified under sub. (1) for the payment of any arrearages due, does not require
5 immediately effective withholding and a payer fails to make a required maintenance,
6 child support, spousal support ~~or~~, family support or annual receiving and disbursing
7 fee payment within 10 days after its due date, within 20 days after the payment's due
8 date the court, family court commissioner or county child support agency under s.
9 59.53 (5) shall cause the assignment to go into effect by providing notice of the
10 assignment in the manner provided under sub. (2r) and shall send a notice by regular
11 mail to the last-known address of the payer. The notice sent to the payer shall inform
12 the payer that an assignment is in effect and that the payer may, within a 10-day
13 period, by motion request a hearing on the issue of whether the assignment should
14 remain in effect. The court or family court commissioner shall hold a hearing
15 requested under this subsection within 10 working days after the date of the request.
16 If at the hearing the payer establishes that the assignment is not proper because of
17 a mistake of fact, the court or family court commissioner may direct that the
18 assignment be withdrawn. Either party may, within 15 working days after the date
19 of a decision by a family court commissioner under this subsection, seek review of the
20 decision by the court with jurisdiction over the action.

21 ***-0536/1.8*** SECTION 3137. 767.265 (2m) of the statutes is created to read:

22 767.265 (2m) An obligation to pay unpaid fees under s. 767.29 (1) (dm)
23 constitutes an assignment of all commissions, earnings, salaries, wages, pension
24 benefits, benefits under ch. 102 or 108, lottery prizes that are payable in instalments
25 and other money due or to be due in the future to the department or its designee. The

1 county child support agency under s. 59.53 (5) may cause the assignment to go into
2 effect by providing notice of the assignment in the manner provided under sub. (2r)
3 and sending a notice by regular mail to the last-known address of the payer. The
4 notice sent to the payer shall inform the payer that an assignment is in effect and
5 that the payer may, within a 10-day period, by motion request a hearing on the issue
6 of whether the assignment should remain in effect. The court or family court
7 commissioner shall hold a hearing requested under this subsection within 10
8 working days after the date of the request. If at the hearing the payer establishes
9 that the assignment is not proper because of a mistake of fact, the court or family
10 court commissioner may direct that the assignment be withdrawn. The payer or the
11 county child support agency may, within 15 working days after the date of a decision
12 by a family court commissioner under this subsection, seek review of the decision by
13 the court with jurisdiction over the action.

14 ***-0536/1.9*** SECTION 3138. 767.265 (2r) of the statutes, as affected by 1997
15 Wisconsin Act 191, section 414, is amended to read:

16 767.265 (2r) Upon entry of each order for child support, maintenance, family
17 support or, support by a spouse or the annual receiving and disbursing fee, and upon
18 approval of each stipulation for child support, unless the court finds that income
19 withholding is likely to cause the payer irreparable harm or unless s. 767.267
20 applies, the court, family court commissioner or county child support agency under
21 s. 59.53 (5) shall provide notice of the assignment by regular mail or by facsimile
22 machine, as defined in s. 134.72 (1) (a), or other electronic means to the last-known
23 address of the person from whom the payer receives or will receive money. The notice
24 shall provide that the amount withheld may not exceed the maximum amount that
25 is subject to garnishment under 15 USC 1673 (b) (2). If the department or its

1 designee, whichever is appropriate, does not receive the money from the person
2 notified, the court, family court commissioner or county child support agency under
3 s. 59.53 (5) shall provide notice of the assignment to any other person from whom the
4 payer receives or will receive money. Notice under this subsection may be a notice
5 of the court, a copy of the executed assignment or a copy of that part of the court order
6 directing payment.

7 ***-0536/1.10* SECTION 3139.** 767.29 (1) (d) (intro.) and 1. of the statutes, as
8 created by 1997 Wisconsin Act 27, are consolidated, renumbered 767.29 (1) (d) and
9 amended to read:

10 767.29 (1) (d) For receiving and disbursing maintenance, child support or
11 family support payments, and for maintaining the records required under par. (c),
12 the department or its designee shall collect an annual fee of \$25 ~~to be paid by each~~
13 ~~party ordered to make payments.~~ The court or family court commissioner shall order
14 each party ordered to make payments to pay the annual fee under this paragraph at
15 ~~the time of, and in addition to, the first payment to the department or its designee~~
16 in each year for which payments are ordered. In directing the manner of payment
17 of the annual fee, the court or family court commissioner shall order that the annual
18 fee be withheld from income and sent to the department or its designee, as provided
19 under s. 767.265. All fees collected under this paragraph shall be deposited in the
20 appropriation account under s. 20.445 (3) (ja). At the time of ordering the payment
21 of an annual fee under this paragraph, the court or family court commissioner shall
22 notify each party ordered to make payments of the requirement to pay the annual
23 fee and of the amount of the annual fee. If the annual fee under this ~~section~~
24 paragraph is not paid when due, the department or its designee may not deduct the

1 annual fee from the maintenance or child or family support payment, but may ~~do any~~
2 of the following: 1. ~~Move~~ move the court for a remedial sanction under ch. 785.

3 *~~0536/1.11~~* **SECTION 3140.** 767.29 (1) (d) 2. of the statutes, as created by 1997
4 Wisconsin Act 27, is repealed.

5 *~~0536/1.12~~* **SECTION 3141.** 767.29 (1) (dm) of the statutes is created to read:

6 767.29 (1) (dm) The department or its designee may collect any unpaid fees
7 under s. 814.61 (12) (b), 1997 stats., that are shown on the department's automated
8 payment and collection system on December 31, 1998, and shall deposit all fees
9 collected under this paragraph in the appropriation account under s. 20.445 (3) (ja).

10 The department or its designee may collect unpaid fees under this paragraph
11 through income withholding under s. 767.265 (2m). If the department or its designee
12 determines that income withholding is inapplicable, ineffective or insufficient for the
13 collection of any unpaid fees under this paragraph, the department or its designee
14 may move the court for a remedial sanction under ch. 785. The department or its
15 designee may contract with or employ a collection agency or other person for the
16 collection of any unpaid fees under this paragraph and, notwithstanding s. 20.930,
17 may contract with or employ an attorney to appear in any action in state or federal
18 court to enforce the payment obligation. The department or its designee may not
19 deduct the amount of unpaid fees from any maintenance or child or family support
20 payment.

21 *~~1085/4.7~~* **SECTION 3142.** 775.01 of the statutes is amended to read:

22 **775.01 Actions against state; bond.** ~~Upon~~ Except as provided in s. 893.83.
23 upon the refusal of the legislature to allow a claim against the state, the claimant
24 may commence an action against the state by service as provided in s. 801.11 (3) and
25 by filing with the clerk of court a bond, not exceeding \$1,000, with 2 or more sureties,

1 to be approved by the attorney general, to the effect that the claimant will indemnify
2 the state against all costs that may accrue in such action and pay to the clerk of court
3 all costs, in case the claimant fails to obtain judgment against the state.

4 ***-0063/1.13* SECTION 3143.** 778.02 of the statutes is amended to read:

5 **778.02 Action in name of state; complaint; attachment.** Every such
6 forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to
7 allege in the complaint that the defendant is indebted to the plaintiff in the amount
8 of the forfeiture claimed, according to the provisions of the statute that imposes it,
9 specifying the statute and for the penalty assessment imposed by s. 165.87, the jail
10 assessment imposed by s. 302.46 (1), the crime laboratories and drug law
11 enforcement assessment imposed by s. 165.755, the enforcement assessment
12 imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer information
13 assessment imposed by s. 100.261 and any applicable domestic abuse assessment
14 imposed by s. 973.055 (1). If the statute imposes a forfeiture for several offenses or
15 delinquencies the complaint shall specify the particular offense or delinquency for
16 which the action is brought, with a demand for judgment for the amount of the
17 forfeiture, penalty assessment, jail assessment, crime laboratories and drug law
18 enforcement assessment, any applicable enforcement assessment, any applicable
19 consumer information assessment and any applicable domestic abuse assessment.
20 If the defendant is a nonresident of the state, an attachment may issue.

21 ***-1265/5.56* SECTION 3144.** 778.02 of the statutes is amended to read:

22 **778.02 Action in name of state; complaint; attachment.** Every such
23 forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to
24 allege in the complaint that the defendant is indebted to the plaintiff in the amount
25 of the forfeiture claimed, according to the provisions of the statute that imposes it,

1 specifying the statute and for the penalty assessment imposed by s. ~~165.87~~ 757.05,
2 the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law
3 enforcement assessment imposed by s. 165.755, the enforcement assessment
4 imposed under s. 253.06 (4) (c) or (5) (c) and any applicable domestic abuse
5 assessment imposed by s. 973.055 (1). If the statute imposes a forfeiture for several
6 offenses or delinquencies the complaint shall specify the particular offense or
7 delinquency for which the action is brought, with a demand for judgment for the
8 amount of the forfeiture, penalty assessment, jail assessment, crime laboratories
9 and drug law enforcement assessment, any applicable enforcement assessment and
10 any applicable domestic abuse assessment. If the defendant is a nonresident of the
11 state, an attachment may issue.

12 *~~0063/1.14~~* SECTION 3145. 778.03 of the statutes is amended to read:

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

22 *~~1265/5.57~~* SECTION 3146. 778.03 of the statutes is amended to read:

23 **778.03 Complaint to recover forfeited goods.** In an action to recover
24 property forfeited by any statute it shall be sufficient to allege in the complaint that
25 the property has been forfeited, specifying the statute, with a demand of judgment

1 for the delivery of the property, or the value thereof and for payment of the penalty
2 assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1),
3 the crime laboratories and drug law enforcement assessment imposed by s. 165.755,
4 the enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c) and any
5 applicable domestic abuse assessment imposed by s. 973.055 (1).

6 ***-0063/1.15* SECTION 3147.** 778.06 of the statutes is amended to read:

7 **778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a
8 specific sum or when it is not less than one sum or more than another, the action may
9 be brought for the highest sum specified and for the penalty assessment imposed by
10 s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime laboratories and
11 drug law enforcement assessment imposed by s. 165.755, the enforcement
12 assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer
13 information assessment imposed by s. 100.261 and any applicable domestic abuse
14 assessment imposed by s. 973.055 (1); and judgment may be rendered for such sum
15 as the court or jury shall assess or determine to be proportionate to the offense.

16 ***-1265/5.58* SECTION 3148.** 778.06 of the statutes is amended to read:

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

25 ***-0063/1.16* SECTION 3149.** 778.10 of the statutes is amended to read:

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

21 ***-1265/5.59*** SECTION 3150. 778.10 of the statutes is amended to read:

22 **778.10 Municipal forfeitures, how recovered.** All forfeitures imposed by
23 any ordinance or regulation of any county, town, city or village, or of any other
24 domestic corporation may be sued for and recovered, under this chapter, in the name
25 of the county, town, city, village or corporation. It is sufficient to allege in the

1 complaint that the defendant is indebted to the plaintiff in the amount of the
2 forfeiture claimed, specifying the ordinance or regulation that imposes it and of the
3 penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s.
4 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by
5 s. 165.755 and any applicable domestic abuse assessment imposed by s. 973.055 (1).
6 If the ordinance or regulation imposes a penalty or forfeiture for several offenses or
7 delinquencies the complaint shall specify the particular offenses or delinquency for
8 which the action is brought, with a demand for judgment for the amount of the
9 forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment
10 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
11 assessment imposed by s. 165.755 and any applicable domestic abuse assessment
12 imposed by s. 973.055 (1). All moneys collected on the judgment shall be paid to the
13 treasurer of the county, town, city, village or corporation, except that all jail
14 assessments shall be paid to the county treasurer.

15 *~~0063/1.17~~* **SECTION 3151.** 778.105 of the statutes is amended to read:

16 **778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by
17 any court or any branch thereof for the violation of any municipal or county
18 ordinance shall be paid to the municipality or county. Penalty assessment payments
19 shall be made as provided in s. 165.87. Jail assessment payments shall be made as
20 provided in s. 302.46 (1). Crime laboratories and drug law enforcement assessment
21 payments shall be paid as provided in s. 165.755. Domestic abuse assessments shall
22 be made as provided in s. 973.055. Consumer information assessment payments
23 shall be made as provided in s. 100.261.

24 *~~1265/5.60~~* **SECTION 3152.** 778.105 of the statutes is amended to read:

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

8 ***-0063/1.18*** **SECTION 3153.** 778.13 of the statutes is amended to read:

9 **778.13 Forfeitures collected, to whom paid.** All moneys collected in favor
10 of the state for forfeiture, except the portion to be paid to any person who sues with
11 the state, shall be paid by the officer who collects the forfeiture to the treasurer of the
12 county within which the forfeiture was incurred within 20 days after its receipt. In
13 case of any failure in the payment the county treasurer may collect the payment of
14 the officer by action, in the name of the office and upon the official bond of the officer,
15 with interest at the rate of 12% per year from the time when it should have been paid.
16 Penalty assessment payments shall be made as provided in s. 165.87. Jail
17 assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories
18 and drug law enforcement assessment payments shall be paid as provided in s.
19 165.755. Domestic abuse assessments shall be made as provided in s. 973.055.
20 Enforcement assessments shall be made as provided in s. 253.06 (4) (c). Consumer
21 information assessment payments shall be made as provided in s. 100.261.

22 ***-1265/5.61*** **SECTION 3154.** 778.13 of the statutes is amended to read:

23 **778.13 Forfeitures collected, to whom paid.** All moneys collected in favor
24 of the state for forfeiture, except the portion to be paid to any person who sues with
25 the state, shall be paid by the officer who collects the forfeiture to the treasurer of the

1 county within which the forfeiture was incurred within 20 days after its receipt. In
2 case of any failure in the payment the county treasurer may collect the payment of
3 the officer by action, in the name of the office and upon the official bond of the officer,
4 with interest at the rate of 12% per year from the time when it should have been paid.
5 Penalty assessment payments shall be made as provided in s. ~~165.87~~ 757.05. Jail
6 assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories
7 and drug law enforcement assessment payments shall be paid as provided in s.
8 165.755. Domestic abuse assessments shall be made as provided in s. 973.055.
9 Enforcement assessments shall be made as provided in s. 253.06 (4) (c).

10 *~~0063/1.19~~* **SECTION 3155.** 778.18 of the statutes is amended to read:

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

1 judge's sureties shall also be liable for the payment of the judgment upon the judge's
2 bond.

3 ***-1265/5.62* SECTION 3156.** 778.18 of the statutes is amended to read:

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

20 ***-0623/P3.6* SECTION 3157.** 799.01 (1)(am) of the statutes is amended to read:

21 799.01 (1) (am) *Return of earnest money.* Actions for the return of earnest
22 money tendered pursuant to a contract for purchase of real property, including a
23 condominium unit, as defined in s. 703.02 (15), ~~and time-share property, as defined~~
24 ~~in s. 707.02 (32)~~, that includes 1 to 4 dwelling units, as defined in s. 101.61 (1), by sale,

1 exchange or land contract unless the transfer is exempt from the real estate transfer
2 fee under s. 77.25 regardless of the amount claimed.

3 ***-0063/1.20* SECTION 3158.** 800.02 (2) (a) 8. of the statutes is amended to read:

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

12 ***-0063/1.21* SECTION 3159.** 800.02 (3) (a) 5. of the statutes is amended to read:

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

21 ***-0063/1.22* SECTION 3160.** 800.03 (3) of the statutes is amended to read:

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

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

6 ***-1265/5.63* SECTION 3161.** 800.03 (3) of the statutes is amended to read:

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

15 ***-0063/1.23* SECTION 3162.** 800.04 (2) (b) of the statutes is amended to read:

16 800.04 (2) (b) If the municipal judge determines that the defendant should not
17 be released under par. (a) and the defendant is charged with a traffic or boating
18 violation, the municipal judge shall release the defendant on a deposit in the amount
19 established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66.
20 For other violations, the municipal judge shall establish a deposit in an amount not
21 to exceed the maximum penalty for the offense, including any penalty assessment
22 that would be applicable under s. 165.87, any jail assessment that would be
23 applicable under s. 302.46 (1), any crime laboratories and drug law enforcement
24 assessment that would be applicable under s. 165.755, any consumer information
25 assessment that would be applicable under s. 100.261 and any domestic abuse

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

10 ***-1265/5.64* SECTION 3163.** 800.04 (2) (b) of the statutes is amended to read:

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

1 under this paragraph, he or she may be committed to jail pending trial only if the
2 judge finds that there is a reasonable basis to believe the person will not appear in
3 court.

4 ***-0063/1.24* SECTION 3164.** 800.04 (2) (c) of the statutes is amended to read:

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

19 ***-1265/5.65* SECTION 3165.** 800.04 (2) (c) of the statutes is amended to read:

20 800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03
21 and does not appear, he or she is deemed to have tendered a plea of no contest and
22 submits to a forfeiture, a penalty assessment imposed by s. ~~165.87~~ 757.05, a jail
23 assessment imposed by s. 302.46 (1), a crime laboratories and drug law enforcement
24 assessment imposed by s. 165.755 and any applicable domestic abuse assessment
25 imposed by s. 973.055 (1) plus costs, including the fee prescribed in s. 814.65 (1), not

1 exceeding the amount of the deposit. The court may either accept the plea of no
2 contest and enter judgment accordingly, or reject the plea and issue a summons. If
3 the court finds that the violation meets the conditions in s. 800.093 (1), the court may
4 summon the alleged violator into court to determine if restitution shall be ordered
5 under s. 800.093. If the defendant fails to appear in response to the summons, the
6 court shall issue a warrant under s. 968.09. If the defendant has made a deposit but
7 does appear, the court shall allow the defendant to withdraw the plea of no contest.

8 ***-0063/1.25* SECTION 3166.** 800.09 (1) (intro.) of the statutes is amended to
9 read:

10 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it
11 may render judgment by ordering restitution under s. 800.093 and payment of a
12 forfeiture, the penalty assessment imposed by s. 165.87, the jail assessment imposed
13 by s. 302.46 (1), the crime laboratories and drug law enforcement assessment
14 imposed by s. 165.755, any applicable consumer information assessment imposed by
15 s. 100.261 and any applicable domestic abuse assessment imposed by s. 973.055 (1)
16 plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The court shall
17 apply any payment received on a judgment that includes restitution to first satisfy
18 any payment of restitution ordered, then to pay the forfeiture, assessments and
19 costs. If the judgment is not paid, the court may proceed under par. (a), (b) or (c) or
20 any combination of those paragraphs, as follows:

21 ***-1265/5.66* SECTION 3167.** 800.09 (1) (intro.) of the statutes is amended to
22 read:

23 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it
24 may render judgment by ordering restitution under s. 800.093 and payment of a
25 forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment

1 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
2 assessment imposed by s. 165.755 and any applicable domestic abuse assessment
3 imposed by s. 973.055 (1) plus costs of prosecution, including the fee prescribed in s.
4 814.65 (1). The court shall apply any payment received on a judgment that includes
5 restitution to first satisfy any payment of restitution ordered, then to pay the
6 forfeiture, assessments and costs. If the judgment is not paid, the court may proceed
7 under par. (a), (b) or (c) or any combination of those paragraphs, as follows:

8 ***-0063/1.26* SECTION 3168.** 800.09 (1) (a) of the statutes is amended to read:

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

21 ***-1615/P2.3* SECTION 3169.** 800.09 (1) (c) of the statutes is amended to read:

22 800.09 (1) (c) The Subject to the fee under s. 85.135, if applicable, the court may
23 suspend the defendant's operating privilege, as defined in s. 340.01 (40), until
24 restitution is made and the forfeiture, assessments and costs are paid, if the
25 defendant has not done so within 60 days after the date the restitution or payments

1 or both are to be made under par. (a) and has not notified the court that he or she is
2 unable to comply with the judgment, as provided under s. 800.095 (4) (a), except that
3 the suspension period may not exceed 5 years. The court shall take possession of the
4 suspended license and shall forward the license, along with a notice of the suspension
5 clearly stating that the suspension is for failure to comply with a judgment of the
6 court, to the department of transportation.

7 ***-0063/1.27* SECTION 3170.** 800.09 (2) (b) of the statutes is amended to read:

8 800.09 (2) (b) If the person charged fails to appear personally or by an attorney
9 at the time fixed for hearing of the case, the defendant may be deemed to have
10 entered a plea of no contest and the money deposited, if any, or such portion thereof
11 as the court determines to be an adequate penalty, plus the penalty assessment, the
12 jail assessment, the crime laboratories and drug law enforcement assessment, any
13 applicable consumer information assessment and any applicable domestic abuse
14 assessment plus costs, including the fee prescribed in s. 814.65 (1), may be declared
15 forfeited by the court or may be ordered applied upon the payment of any penalty
16 which may be imposed, together with the penalty assessment, the jail assessment,
17 the crime laboratories and drug law enforcement assessment, any applicable
18 consumer information assessment and any applicable domestic abuse assessment
19 plus costs. If the court finds that the violation meets the conditions in s. 800.093 (1),
20 the court may summon the alleged violator into court to determine if restitution shall
21 be ordered under s. 800.093. Any money remaining after payment of any penalties,
22 assessments, costs and restitution shall be refunded to the person who made the
23 deposit.

24 ***-1615/P2.4* SECTION 3171.** 800.095 (4) (b) 4. of the statutes is amended to
25 read:

1 800.095 (4) (b) 4. ~~That~~ Subject to the fee under s. 85.135, if applicable, that the
2 defendant's operating privilege, as defined in s. 340.01 (40), be suspended until the
3 judgment is complied with, except that the suspension period may not exceed 5 years.

4 *~~0063/1.28~~* **SECTION 3172.** 800.10 (2) of the statutes is amended to read:

5 800.10 (2) All forfeitures, fees, penalty assessments, crime laboratories and
6 drug law enforcement assessments, consumer information assessments, domestic
7 abuse assessments and costs paid to a municipal court under a judgment before a
8 municipal judge shall be paid to the municipal treasurer within 7 days after receipt
9 of the money by a municipal judge or other court personnel. At the time of the
10 payment, the municipal judge shall report to the municipal treasurer the title of the
11 action, the offense for which a forfeiture was imposed and the total amount of the
12 forfeiture, fees, penalty assessments, crime laboratories and drug law enforcement
13 assessments, consumer information assessments, domestic abuse assessments and
14 costs, if any. The treasurer shall disburse the fees as provided in s. 814.65 (1). All
15 jail assessments paid to a municipal court under a judgment before a municipal judge
16 shall be paid to the county treasurer within 7 days after receipt of the money by a
17 municipal judge or other court personnel.

18 *~~0063/1.29~~* **SECTION 3173.** 800.12 (2) of the statutes is amended to read:

19 800.12 (2) A municipality may by ordinance provide that a municipal judge
20 may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50
21 or, upon nonpayment of the forfeiture, penalty assessment under s. 165.87, jail
22 assessment under s. 302.46 ~~and,~~ crime laboratories and drug law enforcement
23 assessment under s. 165.755, any applicable consumer information assessment
24 under s. 100.261 and any applicable domestic abuse assessment under s. 973.055 (1),
25 a jail sentence not to exceed 7 days.

1 *~~1265/5.67~~* SECTION 3174. 800.12 (2) of the statutes is amended to read:

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

8 *~~0265/1.3~~* SECTION 3175. 803.03 (2) (b) of the statutes is amended to read:

9 803.03 (2) (b) *Options after joinder.* Any party joined pursuant to par. (a) may
10 1. participate in the prosecution of the action, 2. agree to have his or her interest
11 represented by the party who caused the joinder, or 3. move for dismissal with or
12 without prejudice. If the party joined chooses to participate in the prosecution of the
13 action, the party joined shall have an equal voice with other claimants in such
14 prosecution. If Except as provided in par. (bm), if the party joined chooses to have
15 his or her interest represented by the party who caused the joinder, the party joined
16 shall sign a written waiver of the right to participate which shall express consent to
17 be bound by the judgment in the action. Such waiver shall become binding when filed
18 with the court, but a party may withdraw the waiver upon timely motion to the judge
19 to whom the case has been assigned with notice to the other parties. A party who
20 represents the interest of another party and who obtains a judgment favorable to
21 such other party may be awarded reasonable attorneys fees by the court. If the party
22 joined moves for dismissal without prejudice as to his or her claim, the party shall
23 demonstrate to the court that it would be unjust to require the party to prosecute the
24 claim with the principal claim. In determining whether to grant the motion to

1 dismiss, the court shall weigh the possible prejudice to the movant against the state's
2 interest in economy of judicial effort.

3 ***-0265/1.4* SECTION 3176.** 803.03 (2) (bm) of the statutes is created to read:

4 803.03 (2) (bm) *Joinders because of implication of medical assistance.* If the
5 department of health and family services is joined as a party pursuant to par. (a) and
6 s. 49.89 (2) because of the provision of benefits under subch. IV of ch. 49, the
7 department of health and family services need not sign a waiver of the right to
8 participate in order to have its interests represented by the party that caused the
9 joinder. If the department of health and family services makes no selection under
10 par. (b), the party causing the joinder shall represent the interests of the department
11 of health and family services and the department of health and family services shall
12 be bound by the judgment in the action. Regardless of whether the department of
13 health and family services joins in prosecuting the claim, the portion of the proceeds
14 of the claim that represents benefits paid under subch. IV of ch. 49 as a result of the
15 occurrence of injury, sickness or death for which the claim arose shall be paid to the
16 department of health and family services pursuant to s. 49.89 (5).

17 ***-1836/2.28* SECTION 3177.** 813.16 (7) of the statutes is amended to read:

18 813.16 (7) If the person seeking the appointment of a receiver under sub. (1)
19 is a corporation supervised by the division of savings ~~and loan~~ institutions, home
20 loan bank board, U.S. office of thrift supervision, federal deposit insurance
21 corporation or resolution trust corporation, the court, unless the opposing party
22 objects, shall appoint an officer of such corporation as receiver to act without
23 compensation and to give such bond as the court requires.

24 ***-0265/1.5* SECTION 3178.** 814.03 (3) of the statutes is amended to read:

1 814.03 (3) Notwithstanding subs. (1) and (2), where the department of health
2 and family services or a county is joined as a plaintiff pursuant to ss. 49.89 (2) and
3 803.03 (2) (a) because of the provision of benefits under subch. IV of ch. 49, ~~and where~~
4 ~~the interests of the department of health and family services or of the county are~~
5 ~~represented under s. 803.03 (2) (b) by the party who caused the joinder, the~~
6 department of health and family services or the county shall not be liable for costs
7 to any prevailing defendant.

8 *~~1597/3.1~~* SECTION 3179. 814.04 (1) (a) of the statutes is amended to read:

9 814.04 (1) (a) When the amount recovered or the value of the property involved
10 is ~~\$1,000 or over~~ equal to or greater than the maximum amount specified in s. 799.01
11 (1) (d), attorney fees shall be \$100 may not exceed \$500; when it is less than \$1,000
12 and is \$500 or over, \$50 the maximum amount specified in s. 799.01 (1) (d), but is
13 \$1,000 or more, attorney fees may not exceed \$300; when it is less than \$500 and is
14 \$200 or over, \$25; and when it is less than \$200, \$15 \$1,000, attorney fees may not
15 exceed \$100. In all other cases in which there is no amount recovered or that do not
16 involve property, attorney fees may not exceed \$500.

17 *~~1597/3.2~~* SECTION 3180. 814.04 (1) (b) of the statutes is repealed.

18 *~~1597/3.3~~* SECTION 3181. 814.04 (2) of the statutes is amended to read:

19 814.04 (2) DISBURSEMENTS. All the necessary disbursements and fees allowed
20 by law; the compensation of referees; a reasonable disbursement for the service of
21 process or other papers in an action when the same are served by a person authorized
22 by law other than an officer, but the item may not exceed the authorized sheriff's fee
23 for the same service; amounts actually paid out for certified and other copies of
24 papers and records in any public office; postage, telegraphing photocopying,
25 telephoning, electronic communications, facsimile transmissions and express or

1 overnight delivery; depositions including copies; plats and photographs, not
2 exceeding ~~\$50~~ \$100 for each item; an expert witness fee not exceeding ~~\$100~~ \$300 for
3 each expert who testifies, exclusive of the standard witness fee and mileage which
4 shall also be taxed for each expert; and in actions relating to or affecting the title to
5 lands, the cost of procuring an abstract of title to the lands. Guardian ad litem fees
6 shall not be taxed as a cost or disbursement.

7 ***-1597/3.4* SECTION 3182.** 814.07 of the statutes is amended to read:

8 **814.07 Costs on motion.** Costs may be allowed on a motion, in the discretion
9 of the court or judge, not exceeding ~~\$50~~ \$300, and may be absolute or directed to abide
10 the event of the action.

11 ***-1265/5.68* SECTION 3183.** 814.60 (2) (a) of the statutes is amended to read:

12 814.60 (2) (a) Penalty assessment imposed by s. ~~165.87~~ 757.05;

13 ***-0063/1.30* SECTION 3184.** 814.60 (2) (ai) of the statutes is created to read:

14 814.60 (2) (ai) Consumer information assessment imposed by s. 100.261.

15 ***-1615/P2.5* SECTION 3185.** 814.613 of the statutes is created to read:

16 **814.613 Fees for driver's license suspensions or revocations.** A court
17 may require a person to pay a fee upon ordering the suspension or revocation of that
18 person's operating privilege under s. 345.47 (1), 800.09 (1) (c), 800.095 (4) (b) 4.,
19 938.17 (2) (d), 938.34 (8) or 938.343 (2), if the operating privilege was suspended or
20 revoked solely for failure to pay a forfeiture imposed for violating an ordinance that
21 is unrelated to the violator's operation of a motor vehicle. The amount of the fee may
22 not exceed the amount that the court is required to pay under s. 85.135.

23 ***-1265/5.69* SECTION 3186.** 814.63 (3) (a) of the statutes is amended to read:

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

25 ***-0063/1.31* SECTION 3187.** 814.63 (3) (ai) of the statutes is created to read:

1 814.63 (3) (ai) Consumer information assessment imposed by s. 100.261.

2 ***-1037/1.3* SECTION 3188.** 814.635 (1) of the statutes is amended to read:

3 814.635 (1) Except for an action for a safety belt use violation under s. 347.48
4 (2m), the clerk of circuit court shall charge and collect a ~~\$7~~ \$9 justice information
5 system fee from any person, including any governmental unit as defined in s. 108.02
6 (17), paying a fee under s. 814.61 (1) (a), (3) or (8) (am), 814.62 (1), (2) or (3) (a) or (b)
7 or 814.63 (1). The justice information system fee is in addition to the other fees listed
8 in this section.

9 ***-1615/P2.6* SECTION 3189.** 814.65 (6) of the statutes is created to read:

10 814.65 (6) FEE FOR DRIVER'S LICENSE SUSPENSION OR REVOCATION. A municipal
11 court may require a person to pay a fee upon ordering the suspension or revocation
12 of that person's operating privilege under s. 345.47 (1), 800.09 (1) (c), 800.095 (4) (b)
13 4., 938.17 (2) (d), 938.34 (8) or 938.343 (2), if the operating privilege was suspended
14 or revoked solely for failure to pay a forfeiture imposed for violating an ordinance
15 that is unrelated to the violator's operation of a motor vehicle. The amount of the fee
16 may not exceed the amount that the court is required to pay under s. 85.135.

17 ***-1806/2.14* SECTION 3190.** 815.18 (3) (o) of the statutes is amended to read:

18 815.18 (3) (o) *Tuition units.* Tuition units purchased under s. ~~16.24~~ 14.63.

19 ***-0030/P4.123* SECTION 3191.** 859.02 (2) (a) of the statutes is amended to
20 read:

21 859.02 (2) (a) It is a claim based on tort, on a marital property agreement that
22 is subject to the time limitations under s. 766.58 (13) (b) or (c), on Wisconsin income,
23 franchise, sales, withholding, gift or death taxes, or on unemployment insurance
24 contributions due or benefits overpaid; a claim for funeral or administrative

1 expenses; a claim of this state under s. 46.27 (7g), 49.496 or 49.682 or rules
2 promulgated under s. 46.286 (7); or a claim of the United States; or

3 ***-0030/P4.124* SECTION 3192.** 859.07 (2) of the statutes is amended to read:

4 859.07 (2) If the decedent was at the time of death or at any time prior thereto
5 a patient or inmate of any state or county hospital or institution or any person
6 responsible for any obligation owing to the state or county under s. 46.03 (18), 46.10,
7 48.36, 301.03 (18), 301.12 or 938.36 or if the decedent or the spouse of the decedent
8 ever received the family care benefit under s. 46.286, medical assistance under
9 subch. IV of ch. 49, long-term community support services funded under s. 46.27 (7)
10 or aid under s. 49.68, 49.683 or 49.685, the personal representative shall send notice
11 in writing of the date set under s. 859.01 by registered or certified mail to the
12 department of health and family services or the department of corrections, as
13 applicable, and the county clerk of the applicable county not less than 30 days before
14 the date set under s. 859.01, upon such blanks and containing such information as
15 the applicable department or county clerk may provide. The applicable county is the
16 county of residence, as defined in s. 49.001 (6).

17 ***-0030/P4.125* SECTION 3193.** 867.01 (3) (a) 4. of the statutes is amended to
18 read:

19 867.01 (3) (a) 4. Whether the decedent or the decedent's spouse received the
20 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
21 long-term community support services funded under s. 46.27 (7) or aid under s.
22 49.68, 49.683 or 49.685.

23 ***-0030/P4.126* SECTION 3194.** 867.01 (3) (d) of the statutes is amended to
24 read:

1 867.01 (3) (d) *Notice*. The court may hear the matter without notice or order
2 notice to be given under s. 879.03. If the decedent or the decedent's spouse received
3 the family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
4 long-term community support services funded under s. 46.27 (7) or aid under s.
5 49.68, 49.683 or 49.685, the petitioner shall give notice by certified mail to the
6 department of health and family services as soon as practicable after filing the
7 petition with the court.

8 ***-0030/P4.127*** SECTION 3195. 867.02 (2) (a) 6. of the statutes is amended to
9 read:

10 867.02 (2) (a) 6. Whether the decedent or the decedent's spouse received the
11 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
12 long-term community support services funded under s. 46.27 (7) or aid under s.
13 49.68, 49.683 or 49.685.

14 ***-0030/P4.128*** SECTION 3196. 867.03 (1g) (c) of the statutes is amended to
15 read:

16 867.03 (1g) (c) Whether the decedent or the decedent's spouse ever received the
17 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
18 long-term community support services funded under s. 46.27 (7) or aid under s.
19 49.68, 49.683 or 49.685.

20 ***-0030/P4.129*** SECTION 3197. 867.03 (1m) (a) of the statutes is amended to
21 read:

22 867.03 (1m) (a) Whenever an heir or person who was guardian of the decedent
23 at the time of the decedent's death intends to transfer a decedent's property by
24 affidavit under sub. (1g) and the decedent or the decedent's spouse ever received the
25 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,

1 long-term community support services funded under s. 46.27 (7) or aid under s.
2 49.68, 49.683 or 49.685, the heir or person who was guardian of the decedent at the
3 time of the decedent's death shall give notice to the department of health and family
4 services of his or her intent. The notice shall include the information in the affidavit
5 under sub. (1g) and the heir or person who was guardian of the decedent at the time
6 of the decedent's death shall give the notice by certified mail, return receipt
7 requested.

8 ***-0030/P4.130*** **SECTION 3198.** 867.03 (1m) (b) of the statutes is amended to
9 read:

10 867.03 (1m) (b) An heir or person who was guardian of the decedent at the time
11 of the decedent's death who files an affidavit under sub. (1g) that states that the
12 decedent or the decedent's spouse received the family care benefit under s. 46.286,
13 medical assistance under subch. IV of ch. 49, long-term community support services
14 funded under s. 46.27 (7) or aid under s. 49.68, 49.683 or 49.685 shall attach to the
15 affidavit the proof of mail delivery of the notice required under par. (a) showing a
16 delivery date that is not less than 10 days before the day on which the heir or person
17 who was guardian of the decedent at the time of the decedent's death files the
18 affidavit.

19 ***-0030/P4.131*** **SECTION 3199.** 867.035 (1) (a) (intro.) of the statutes is
20 amended to read:

21 867.035 (1) (a) (intro.) Except as provided in par. (bm), the department of
22 health and family services may collect from the property of a decedent, including
23 funds of a decedent that are held by the decedent immediately before death in a joint
24 account or a P.O.D. account, by affidavit under this section an amount equal to the
25 medical assistance that is recoverable under s. 49.496 (3) (a), the long-term

1 community support services under s. 46.27 that is recoverable under s. 46.27 (7g) (c)
2 1., the family care benefit that is recoverable under rules promulgated under s.
3 46.286 (7) or the aid under s. 49.68, 49.683 or 49.685 that is recoverable under s.
4 49.682 (2) (a) and that was paid on behalf of the decedent or the decedent's spouse,
5 if all of the following conditions are satisfied:

6 *~~0028/6.92~~* SECTION 3200. 867.035 (4) of the statutes is amended to read:

7 867.035 (4) From the appropriation under s. 20.435 ~~(5)~~ (4) (im), with respect
8 to funds collected by the department under sub. (1) related to medical assistance paid
9 on behalf of the decedent or the decedent's spouse, the department of health and
10 family services shall pay claims under sub. (3), shall pay to the federal government
11 from the amount recovered under this section and not paid out as claims under sub.
12 (3) an amount equal to the amount of federal funds used to pay the benefits recovered
13 under this section and shall spend the remainder of the amount recovered under this
14 section for medical assistance benefits under subch. IV of ch. 49.

15 *~~1831/1.1~~* SECTION 3201. 880.60 (4) of the statutes is amended to read:

16 880.60 (4) LIMITATION ON NUMBER OF WARDS. No person or corporate entity other
17 than a county having a population of 100,000 or more, or a bank or trust company
18 ~~or the commandant of the Wisconsin veterans home at King~~ shall be guardian of
19 more than 5 wards at one time, unless all the wards are members of one family. ~~Such~~
20 A county shall act only for patients in its county hospital or mental hospital and for
21 residents of its county home or infirmary, and shall serve without fee. ~~The~~
22 ~~commandant shall act only for members of the Wisconsin veterans home and shall~~
23 ~~serve without fee.~~ Upon presentation of a petition by an attorney of the U.S.
24 department of veterans affairs or other interested person, alleging that a guardian
25 is acting in a fiduciary capacity for more than 5 wards as ~~herein provided~~ and

1 requesting the guardian's discharge for that reason, the court, upon proof
2 substantiating the petition, shall require a final accounting ~~forthwith~~ from ~~such~~ the
3 guardian and shall discharge the guardian from guardianship in excess of 5 and
4 ~~forthwith~~ appoint a successor.

5 ***-1085/4.8* SECTION 3202.** 893.83 of the statutes is created to read:

6 **893.83 Claims against state and local governments resulting from**
7 **computational date errors. (1)** In this section:

8 (a) "Action" means any civil action or proceeding including any action for
9 declaratory or injunctive relief.

10 (b) "Computational date error" means:

11 1. The failure of a computer system to handle correctly and consistently all
12 dates before, during and after the year 2000; or

13 2. The inability of a computer system to correctly interpret, produce, calculate,
14 generate, utilize, manipulate, represent or account for all dates before, during and
15 after the year 2000.

16 (c) "Computer system" means any electronic or collection of devices, including
17 support devices, networks, and embedded chips, that contains computer programs
18 or electronic instructions and that performs functions including logic, arithmetic,
19 data processing, data storage and retrieval, communication or control.

20 (d) "Local governmental unit" means a political subdivision of this state, a
21 special purpose district in this state, an instrumentality or corporation of such a
22 political subdivision or special purpose district, a combination or subunit of any of
23 the foregoing or a combination of an instrumentality of the state and any of the
24 foregoing.

1 (e) "State governmental unit" means this state, and every subunit or
2 instrumentality of this state, including any institution or authority, regardless of
3 whether moneys are appropriated to the unit.

4 (2) No person may bring an action against a state authority or local
5 governmental unit or an officer, employe or agent of a state or local governmental
6 unit acting within the scope of his or her employment or agency for the alleged failure
7 of the authority, unit, officer, employe or agent to plan for, test for, detect, disclose,
8 prevent, report on, reprogram, remediate or otherwise effect control over a
9 computational date error or to have in place alternative provisions to deal with the
10 effects of a computational date error or for any other act or omission related to a
11 computational date error for which there would otherwise be liability if the authority,
12 unit, officer, employe or agent made a good faith effort to address the alleged failure.

13 (3) Any provision of a contract entered into, extended, modified or renewed by
14 a state or local governmental unit or by a state authority on or after the effective date
15 of this subsection [revisor inserts date], contrary to sub. (2) is void.

16 *~~0583/2.1~~* SECTION 3203. 895.82 of the statutes is created to read:

17 **895.82 Interpretation of contracts and other legal instruments:**
18 **European currency.** (1) In this section:

19 (a) "Euro" means the currency of participating member states of the European
20 Union who have adopted a single currency in accordance with the provisions of the
21 1992 Treaty on European Union.

22 (b) "European currency unit" means the currency basket that is the monetary
23 unit of account of the European Economic Community.

24 (2) Unless otherwise required in a contract or other legal instrument, if a
25 subject or medium of payment of a contract or other legal instrument is a currency

1 that has been replaced by the euro, the euro shall be a commercially reasonable
2 substitute for that currency. The valuation of the currency in euros shall be
3 determined in accordance with any applicable regulations adopted by the council of
4 the European Union.

5 (3) Unless otherwise required in a contract or other legal instrument, if a
6 subject or medium of payment of a contract or other legal instrument is the European
7 currency unit, the euro shall be a commercially reasonable substitute for the
8 European currency unit. The valuation of the European currency unit in euros shall
9 be determined in accordance with any applicable regulations adopted by the council
10 of the European Union.

11 (4) No person may discharge or otherwise excuse performance under any
12 contract or other legal instrument, nor unilaterally alter the terms of, or terminate,
13 any contract or other legal instrument, as a result of sub. (2) or (3).

14 (5) This section shall apply only to a contract or other legal instrument entered
15 into or executed in this state or that contains provisions requiring the contract or
16 other legal instrument to be interpreted according to the law of this state.

17 ***-0085/4.3* SECTION 3204.** 938.02 (6) of the statutes is amended to read:

18 938.02 (6) "Foster home" means any facility that is operated by a person
19 required to be licensed by s. 48.62 (1) (a) and that provides care and maintenance for
20 no more than 4 juveniles ~~unless all of the juveniles are siblings or, if necessary to~~
21 enable a sibling group to remain together, for no more than 6 juveniles or, if the
22 department of health and family services promulgates rules permitting a different
23 number of juveniles, for the number of juveniles permitted under those rules.

24 ***-0674/1.7* SECTION 3205.** 938.02 (14m) of the statutes is amended to read:

1 938.02 (14m) “Pupil assistance program” means a program provided by a
2 school board under s. ~~115.362 (4) (b) 2.~~ 115.361 to intervene in the abuse of alcohol
3 and other drugs by pupils.

4 *~~0276/1.1~~* SECTION 3206. 938.06 (1) (a) 2. of the statutes is amended to read:

5 938.06 (1) (a) 2. The Subject to subd. 2m., the chief judge of the judicial
6 administrative district shall formulate written judicial policy governing intake and
7 court services for juvenile matters under this chapter and the director shall be
8 charged with executing the judicial policy. The chief judge shall direct and supervise
9 the work of all personnel of the court, except the work of the district attorney or
10 corporation counsel assigned to the court. The chief judge may delegate his or her
11 supervisory functions under s. 938.065 (1).

12 *~~0276/1.2~~* SECTION 3207. 938.06 (1) (a) 2m. of the statutes is created to read:

13 938.06 (1) (a) 2m. In formulating judicial policy under subd. 2. governing
14 intake and court services, the chief judge may not direct the department of health
15 and family services to provide those services in any case in which the referral
16 information indicates that a juvenile should be referred to the court as delinquent,
17 in need of protection or services under this chapter or in violation of a civil law or
18 ordinance, unless that information indicates that the juvenile should also be referred
19 to the court as in need of protection or services under ch. 48. The chief judge shall
20 direct the department of health and family services and the county department to
21 coordinate the provision of services in cases in which the intake worker determines
22 under s. 48.24 (1) that prima facie jurisdiction exists under this chapter instead of
23 or in addition to ch. 48 and in cases in which the intake worker determines under s.
24 938.24 (1) that prima facie jurisdiction exists under ch. 48 instead of or in addition
25 to this chapter.

1 ***-1615/P2.7*** SECTION 3208. 938.17 (2) (d) of the statutes is amended to read:

2 938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal
3 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that
4 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)
5 or 961.575 (2), the court shall enter any of the dispositional orders permitted under
6 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture
7 imposed by the municipal court, the court may not impose a jail sentence but may
8 suspend any license issued under ch. 29 for not less than 30 days nor more than 5
9 years, or, subject to the fee under s. 85.135, if applicable may suspend the juvenile's
10 operating privilege, as defined in s. 340.01 (40), for not less than 30 days nor more
11 than 5 years. If a court suspends a license or privilege under this section, the court
12 shall immediately take possession of the applicable license and forward it to the
13 department that issued the license, together with the notice of suspension clearly
14 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
15 the forfeiture is paid during the period of suspension, the court shall immediately
16 notify the department, which shall thereupon return the license to the person.

17 ***-1732/1.5*** SECTION 3209. 938.24 (5) of the statutes is amended to read:

18 938.24 (5) The intake worker shall request that a petition be filed, enter into
19 a deferred prosecution agreement or close the case within 40 days or sooner of receipt
20 of referral information. Before entering into a deferred prosecution agreement, the
21 intake worker shall comply with s. 938.245 (1m), if applicable. If the case is closed
22 or a deferred prosecution agreement is entered into, the district attorney, corporation
23 counsel or other official under s. 938.09 shall receive written notice of such action.
24 If the case is closed, the known victims of the juvenile's alleged act shall receive notice
25 as provided under sub. (5m), if applicable. ~~In addition, if a deferred prosecution~~

1 ~~agreement is entered into placing a juvenile in a youth village program as described~~
2 ~~in s. 118.42, the judge or juvenile court commissioner shall receive written notice of~~
3 ~~such action and, on receipt of that notice, shall enter an order requiring compliance~~
4 ~~with that agreement.~~ A notice of deferred prosecution of an alleged delinquency case
5 shall include a summary of the facts surrounding the allegation and a list of prior
6 intake referrals and dispositions. If a law enforcement officer has made a
7 recommendation concerning the juvenile, the intake worker shall forward this
8 recommendation to the district attorney under s. 938.09. Notwithstanding the
9 requirements of this section, the district attorney may initiate a delinquency petition
10 under s. 938.25 within 20 days after notice that the case has been closed or that a
11 deferred prosecution agreement has been entered into. The judge shall grant
12 appropriate relief as provided in s. 938.315 (3) with respect to any such petition
13 which is not referred or filed within the time limits specified within this subsection.
14 Failure to object if a petition is not referred or filed within a time limit specified in
15 this subsection waives that time limit.

16 ***-1732/1.6*** SECTION 3210. 938.245 (2) (a) 9. of the statutes is repealed.

17 ***-1732/1.7*** SECTION 3211. 938.245 (2) (b) of the statutes is amended to read:

18 938.245 (2) (b) A deferred prosecution agreement, ~~other than an agreement~~
19 ~~under par. (a) 9.~~, may not include any form of out-of-home placement and may not
20 exceed one year.

21 ***-1732/1.8*** SECTION 3212. 938.245 (3) of the statutes is amended to read:

22 938.245 (3) The obligations imposed under a deferred prosecution agreement
23 and its effective date shall be set forth in writing. ~~If the deferred prosecution~~
24 ~~agreement places the juvenile in a youth village program under sub. (2) (a) 9., the~~
25 ~~judge or juvenile court commissioner shall receive written notice that a deferred~~

1 ~~prosecution agreement has been entered into and, on receipt of that notice, shall~~
2 ~~enter an order requiring compliance with that agreement.~~ The juvenile and a parent,
3 guardian and legal custodian shall receive a copy of the agreement and order, as shall
4 any agency providing services under the agreement.

5 ***-1732/1.9* SECTION 3213.** 938.245 (4) of the statutes is amended to read:

6 938.245 (4) The intake worker shall inform the juvenile and the juvenile's
7 parent, guardian and legal custodian in writing of their right to terminate ~~or, if the~~
8 ~~juvenile is subject to a deferred prosecution agreement under sub. (2) (a) 9., to~~
9 ~~request the court to terminate~~ the deferred prosecution agreement at any time or to
10 object at any time to the fact or terms of the deferred prosecution agreement. If an
11 objection arises the intake worker may alter the terms of the agreement or request
12 the district attorney or corporation counsel to file a petition. If the deferred
13 prosecution agreement is terminated the intake worker may request the district
14 attorney or corporation counsel to file a petition.

15 ***-1732/1.10* SECTION 3214.** 938.245 (5) of the statutes is amended to read:

16 938.245 (5) A deferred prosecution agreement under sub. (2) (a) 1. to 8., (2g)
17 or (2v). may be terminated upon the request of the juvenile, parent, guardian or legal
18 custodian. ~~A deferred prosecution agreement under sub. (2) (a) 9. may be terminated~~
19 ~~by the court upon the request of the juvenile, parent, guardian or legal custodian.~~

20 ***-1732/1.11* SECTION 3215.** 938.32 (1) (a) of the statutes is amended to read:

21 938.32 (1) (a) At any time after the filing of a petition for a proceeding relating
22 to s. 938.12 or 938.13 and before the entry of judgment, the judge or juvenile court
23 commissioner may suspend the proceedings and place the juvenile under
24 supervision in the juvenile's own home or present placement ~~or in a youth village~~
25 ~~program as described in s. 118.42.~~ The court may establish terms and conditions

1 applicable to the parent, guardian or legal custodian, and to the juvenile, including
2 any of the conditions specified in subs. (1d), (1g), (1m), (1t), (1v) and (1x). The order
3 under this section shall be known as a consent decree and must be agreed to by the
4 juvenile; the parent, guardian or legal custodian; and the person filing the petition
5 under s. 938.25. If the consent decree includes any conditions specified in sub. (1g),
6 the consent decree shall include provisions for payment of the services as specified
7 in s. 938.361. The consent decree shall be reduced to writing and given to the parties.

8 ***-1732/1.12* SECTION 3216.** 938.32 (2) (c) of the statutes is amended to read:

9 938.32 (2) (c) Upon the motion of the court or the application of the juvenile,
10 parent, guardian, legal custodian, intake worker or any agency supervising the
11 juvenile under the consent decree, the court may, after giving notice to the parties
12 to the consent decree and their counsel, if any, extend the decree for up to an
13 additional 6 months ~~or, if the consent decree places the juvenile in a youth village~~
14 ~~program as described in s. 118.42, for up to an additional one year in the absence of~~
15 objection to extension by the parties to the initial consent decree. If the parent,
16 guardian or legal custodian objects to the extension, the court shall schedule a
17 hearing and make a determination on the issue of extension. ~~A consent decree~~
18 ~~placing a juvenile in a youth village program as described in s. 118.42 may be~~
19 ~~extended no more than twice.~~

20 ***-1732/1.13* SECTION 3217.** 938.34 (3) (dm) of the statutes is repealed.

21 ***-1615/P2.8* SECTION 3218.** 938.34 (8) of the statutes is amended to read:

22 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that
23 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The
24 maximum forfeiture that the court may impose under this subsection for a violation
25 by a juvenile is the maximum amount of the fine that may be imposed on an adult

1 for committing that violation or, if the violation is applicable only to a person under
2 18 years of age, \$100. Any such order shall include a finding that the juvenile alone
3 is financially able to pay the forfeiture and shall allow up to 12 months for payment.
4 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
5 other alternatives under this section, in accordance with the conditions specified in
6 this chapter; or the court may suspend any license issued under ch. 29 for not less
7 than 30 days nor more than 5 years, or, subject to the fee under s. 85.135, if
8 applicable, may suspend the juvenile's operating privilege as defined in s. 340.01 (40)
9 for not less than 30 days nor more than 5 years. If the court suspends any license
10 under this subsection, the clerk of the court shall immediately take possession of the
11 suspended license and forward it to the department which issued the license,
12 together with a notice of suspension clearly stating that the suspension is for failure
13 to pay a forfeiture imposed by the court. If the forfeiture is paid during the period
14 of suspension, the suspension shall be reduced to the time period which has already
15 elapsed and the court shall immediately notify the department which shall then
16 return the license to the juvenile. Any recovery under this subsection shall be
17 reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r)
18 (b).

19 ***-1615/P2.9*** SECTION 3219. 938.343 (2) of the statutes is amended to read:
20 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
21 be imposed on an adult for committing that violation or, if the violation is only
22 applicable to a person under 18 years of age, \$50. Any such order shall include a
23 finding that the juvenile alone is financially able to pay and shall allow up to 12
24 months for the payment. If a juvenile fails to pay the forfeiture, the court may
25 suspend any license issued under ch. 29 or, subject to the fee under s. 85.135, if

1 applicable, may suspend the juvenile's operating privilege as defined in s. 340.01
2 (40), for not less than 30 days nor more than 5 years. The court shall immediately
3 take possession of the suspended license and forward it to the department which
4 issued the license, together with the notice of suspension clearly stating that the
5 suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is
6 paid during the period of suspension, the court shall immediately notify the
7 department, which will thereupon return the license to the person. Any recovery
8 under this subsection shall be reduced by the amount recovered as a forfeiture for
9 the same act under s. 938.45 (1r) (b).

10 ***-1070/1.1* SECTION 3220.** 938.533 (2) of the statutes is amended to read:

11 938.533 (2) CORRECTIVE SANCTIONS PROGRAM. From the appropriation under s.
12 20.410 (3) (hr), the department shall provide a corrective sanctions program to serve
13 an average daily population of ~~106 juveniles in fiscal year 1997-98~~ and 136 juveniles
14 ~~in fiscal year 1998-99~~, or an average daily population of more than ~~106 juveniles in~~
15 ~~fiscal year 1997-98~~ and 136 juveniles in ~~fiscal year 1998-99~~ if the appropriation
16 under s. 20.410 (3) (hr) is supplemented under s. 13.101 or 16.515 and the positions
17 for the program are increased under s. 13.101 or 16.505 (2) or if funding and positions
18 to serve more than ~~those~~ that average daily ~~populations~~ population are otherwise
19 available, in not less than 3 counties, including Milwaukee County. The office of
20 juvenile offender review in the department shall evaluate and select for participation
21 in the program juveniles who have been placed under the supervision of the
22 department under s. 938.183, 938.34 (4h) or (4m) or 938.357 (4). The department
23 shall place a program participant in the community, provide intensive surveillance
24 of that participant and provide an average of ~~\$5,000~~ \$3,000 per year per slot to
25 purchase community-based treatment services for each participant. The

1 department shall make the intensive surveillance required under this subsection
2 available 24 hours a day, 7 days a week, and may purchase or provide electronic
3 monitoring for the intensive surveillance of program participants. The department
4 shall provide a report center in Milwaukee County to provide on-site programming
5 after school and in the evening for juveniles from Milwaukee County who are placed
6 in the corrective sanctions program. A contact worker providing services under the
7 program shall have a case load of approximately 10 juveniles and, during the initial
8 phase of placement in the community under the program of a juvenile who is
9 assigned to that contact worker, shall have not less than one face-to-face contact per
10 day with that juvenile. Case management services under the program shall be
11 provided by a corrective sanctions agent who shall have a case load of approximately
12 15 juveniles. The department shall promulgate rules to implement the program.

13 *~~0086/3.2~~* SECTION 3221. 938.78 (4) of the statutes is created to read:

14 938.78 (4) (a) Except as provided under pars. (b) and (c) or by order of the court,
15 no agency may make available for inspection or disclose the contents of any record
16 kept or information received relating to a foster parent, treatment foster parent or
17 family-operated group home, as defined in s. 48.627 (1), parent or a family member
18 of a foster parent, treatment foster parent or family-operated group home parent
19 without first receiving the written permission of the foster parent, treatment foster
20 parent or family-operated group home parent.

21 (b) Paragraph (a) does not apply to the confidential exchange of information
22 between an agency and another social welfare agency. A social welfare agency that
23 obtains information under this paragraph shall keep the information confidential as
24 required under this section and s. 48.78.

1 (c) Paragraph (a) does not prohibit an agency from disclosing the name and
2 address of a foster parent, treatment foster parent or family-operated group home
3 parent under s. 938.20 (8), 938.33 (5), 938.355 (2) (b) 2., 938.357 (1), (2m) or (4) (a)
4 or (c) 3. or 938.38 (4) (c) or from disclosing to the parent, guardian or legal custodian
5 of a juvenile the location of an alternate placement of the juvenile under s. 938.538
6 (3) (a) 1p.

7 ***-1516/3.19* SECTION 3222.** 944.21 (8) (b) 3. a. of the statutes is amended to
8 read:

9 944.21 (8) (b) 3. a. Is a technical college, is a school approved by the ~~educational~~
10 ~~approval~~ higher educational aids board under s. 39.51 or is a school described in s.
11 39.51 (9) (f), (g) or (h) (1) (e) 6., 7. or 8.; and

12 ***-1516/3.20* SECTION 3223.** 948.11 (4) (b) 3. a. of the statutes is amended to
13 read:

14 948.11 (4) (b) 3. a. Is a technical college, is a school approved by the ~~educational~~
15 ~~approval~~ higher educational aids board under s. 39.51 or is a school described in s.
16 39.51 (9) (f), (g) or (h) (1) (e) 6., 7. or 8.; and

17 ***-0589/1.29* SECTION 3224.** 949.08 (2) (g) of the statutes is repealed and
18 recreated to read:

19 949.08 (2) (g) Is included on the statewide support lien docket under s. 49.854
20 (2) (b), unless the victim provides to the department a payment agreement that has
21 been approved by the county child support agency under s. 59.53 (5) and that is
22 consistent with rules promulgated under s. 49.858 (2) (a).

23 ***-1265/5.70* SECTION 3225.** 950.06 (2) of the statutes is amended to read:

24 950.06 (2) The costs of providing services under sub. (1m) shall be paid for by
25 the county, but the county is eligible to receive reimbursement from the state for not

1 more than 90% of the costs incurred in providing those services. The department
2 shall determine the level of services for which a county may be reimbursed. The
3 county board shall file a claim for reimbursement with the department. The
4 department shall reimburse counties under this subsection from the appropriation
5 under s. 20.455 (5) (kk) and (kp) and, on a semiannual basis, from the appropriations
6 under s. 20.455 (5) (c) and (g).

7 ***-1410/1.4* SECTION 3226.** 950.06 (2) of the statutes is amended to read:

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

16 ***-1410/1.5* SECTION 3227.** 950.06 (5) of the statutes is amended to read:

17 950.06 (5) The department shall review and approve the implementation and
18 operation of programs and the annual reports under this section. The department
19 may suspend or terminate reimbursement under ~~s. 20.455 (5) (c) and (g)~~ sub. (2) if
20 the county fails to comply with its duties under this section. The department shall
21 promulgate rules under ch. 227 for implementing and administering county
22 programs approved under this section.

23 ***-0063/1.32* SECTION 3228.** 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, the jail assessment imposed by s. 302.46 (1), the crime victim and witness
2 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 consumer
6 information assessment imposed by s. 100.261, any applicable domestic abuse
7 assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver
8 improvement surcharge imposed by s. 346.655, any applicable enforcement
9 assessment imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed
10 by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4),
11 any applicable environmental assessment imposed by s. 299.93, any applicable wild
12 animal protection assessment imposed by s. 29.983, any applicable natural resources
13 assessment imposed by s. 29.987 and any applicable natural resources restitution
14 payment imposed by s. 29.989 to be made within a period not to exceed 60 days. If
15 no such permission is embodied in the sentence, the fine, the penalty assessment, the
16 jail assessment, the crime victim and witness assistance surcharge, the crime
17 laboratories and drug law enforcement assessment, any applicable deoxyribonucleic
18 acid analysis surcharge, any applicable drug abuse program improvement
19 surcharge, any applicable consumer information assessment, any applicable
20 domestic abuse assessment, any applicable driver improvement surcharge, any
21 applicable enforcement assessment, any applicable weapons assessment, any
22 applicable uninsured employer assessment, any applicable environmental
23 assessment, any applicable wild animal protection assessment, any applicable
24 natural resources assessment and any applicable natural resources restitution
25 payment shall be payable immediately.

1 *~~1265/5.71~~* **SECTION 3229.** 973.05 (1) of the statutes is amended to read:

2 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant
3 permission for the payment of the fine, of the penalty assessment imposed by s.
4 ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime victim and
5 witness assistance surcharge under s. 973.045, the crime laboratories and drug law
6 enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid
7 analysis surcharge under s. 973.046, any applicable drug abuse program
8 improvement surcharge imposed by s. 961.41 (5), any applicable domestic abuse
9 assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver
10 improvement surcharge imposed by s. 346.655, any applicable enforcement
11 assessment imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed
12 by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4),
13 any applicable environmental assessment imposed by s. 299.93, any applicable wild
14 animal protection assessment imposed by s. 29.983, any applicable natural resources
15 assessment imposed by s. 29.987 and any applicable natural resources restitution
16 payment imposed by s. 29.989 to be made within a period not to exceed 60 days. If
17 no such permission is embodied in the sentence, the fine, the penalty assessment, the
18 jail assessment, the crime victim and witness assistance surcharge, the crime
19 laboratories and drug law enforcement assessment, any applicable deoxyribonucleic
20 acid analysis surcharge, any applicable drug abuse program improvement
21 surcharge, any applicable domestic abuse assessment, any applicable driver
22 improvement surcharge, any applicable enforcement assessment, any applicable
23 weapons assessment, any applicable uninsured employer assessment, any
24 applicable environmental assessment, any applicable wild animal protection

1 assessment, any applicable natural resources assessment and any applicable
2 natural resources restitution payment shall be payable immediately.

3 *~~0063/1.33~~* SECTION 3230. 973.05 (2) of the statutes is amended to read:

4 973.05 (2) When a defendant is sentenced to pay a fine and is also placed on
5 probation, the court may make the payment of the fine, the penalty assessment, the
6 jail assessment, the crime victim and witness assistance surcharge, the crime
7 laboratories and drug law enforcement assessment, any applicable deoxyribonucleic
8 acid analysis surcharge, any applicable drug abuse program improvement
9 surcharge, any applicable consumer information assessment, any applicable
10 domestic abuse assessment, any applicable uninsured employer assessment, any
11 applicable driver improvement surcharge, any applicable enforcement assessment
12 under s. 253.06 (4) (c), any applicable weapons assessment, any applicable
13 environmental assessment, any applicable wild animal protection assessment, any
14 applicable natural resources assessment and any applicable natural resources
15 restitution payments a condition of probation. When the payments are made a
16 condition of probation by the court, payments thereon shall be applied first to
17 payment of the penalty assessment until paid in full, shall then be applied to the
18 payment of the jail assessment until paid in full, shall then be applied to the payment
19 of part A of the crime victim and witness assistance surcharge until paid in full, shall
20 then be applied to part B of the crime victim and witness assistance surcharge until
21 paid in full, shall then be applied to the crime laboratories and drug law enforcement
22 assessment until paid in full, shall then be applied to the deoxyribonucleic acid
23 analysis surcharge until paid in full, shall then be applied to the drug abuse
24 improvement surcharge until paid in full, shall then be applied to payment of the
25 driver improvement surcharge until paid in full, shall then be applied to payment

1 of the domestic abuse assessment until paid in full, shall then be applied to payment
2 of the consumer information assessment until paid in full, shall then be applied to
3 payment of the natural resources assessment if applicable until paid in full, shall
4 then be applied to payment of the natural resources restitution payment until paid
5 in full, shall then be applied to the payment of the environmental assessment if
6 applicable until paid in full, shall then be applied to the payment of the wild animal
7 protection assessment if applicable until paid in full, shall then be applied to
8 payment of the weapons assessment until paid in full, shall then be applied to
9 payment of the uninsured employer assessment until paid in full, shall then be
10 applied to payment of the enforcement assessment under s. 253.06 (4) (c), if
11 applicable, until paid in full and shall then be applied to payment of the fine.

12 *~~0063/1.34~~* SECTION 3231. 973.07 of the statutes is amended to read:

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

1 assessment, crime victim and witness assistance surcharge, crime laboratories and
2 drug law enforcement assessment, applicable deoxyribonucleic acid analysis
3 surcharge, applicable drug abuse program improvement surcharge, applicable
4 consumer information assessment, applicable domestic abuse assessment,
5 applicable driver improvement surcharge, applicable enforcement assessment
6 under s. 253.06 (4) (c), applicable weapons assessment, applicable uninsured
7 employer assessment, applicable environmental assessment, applicable wild animal
8 protection assessment, applicable natural resources assessment or applicable
9 natural resources restitution payments are paid or discharged, or the community
10 service work under s. 943.017 (3) is completed, for a period fixed by the court not to
11 exceed 6 months.

12 ***-0440/1.1* SECTION 3232.** 977.08 (5) (b) (intro.) of the statutes is amended to
13 read:

14 977.08 (5) (b) (intro.) Except as provided in ~~par. pars.~~ (bn) and (br), any of the
15 following constitutes an annual caseload standard for an assistant state public
16 defender in the subunit responsible for trials:

17 ***-0440/1.2* SECTION 3233.** 977.08 (5) (br) of the statutes is created to read:

18 977.08 (5) (br) Beginning on July 1, 2000, the state public defender may exempt
19 up to 10 full-time assistant state public defenders in the subunit responsible for
20 trials from the annual caseload standards under par. (b) based on their need to
21 perform other assigned duties.

22 ***-1268/2.1* SECTION 3234.** 978.03 (3) of the statutes is amended to read:

23 978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be
24 an attorney admitted to practice law in this state and, except as provided in s.
25 978.043, may perform any duty required by law to be performed by the district

1 attorney. The district attorney of the prosecutorial unit under sub. (1), (1m) or (2)
2 may appoint such temporary counsel as may be authorized by the department of
3 administration.

4 ***-1268/2.2* SECTION 3235.** 978.04 of the statutes is amended to read:

5 **978.04 Assistants in certain prosecutorial units.** The district attorney of
6 any prosecutorial unit having a population of less than 100,000 may appoint one or
7 more assistant district attorneys as necessary to carry out the duties of his or her
8 office and as may be requested by the department of administration authorized in
9 accordance with s. 16.505. Any such assistant district attorney must be an attorney
10 admitted to practice law in this state and, except as provided in s. 978.043, may
11 perform any duty required by law to be performed by the district attorney.

12 ***-1268/2.3* SECTION 3236.** 978.043 of the statutes is created to read:

13 **978.043 Assistants for prosecution of sexually violent person**
14 **commitment cases.** The district attorney of the prosecutorial unit that consists of
15 Brown County and the district attorney of the prosecutorial unit that consists of
16 Milwaukee County shall each assign one assistant district attorney in his or her
17 prosecutorial unit to be a sexually violent person commitment prosecutor. An
18 assistant district attorney assigned under this section to be a sexually violent person
19 commitment prosecutor may engage only in the prosecution of sexually violent
20 person commitment proceedings under ch. 980 and, at the request of the district
21 attorney of the prosecutorial unit, may file and prosecute sexually violent person
22 commitment proceedings under ch. 980 in any prosecutorial unit in this state.

23 ***-1268/2.4* SECTION 3237.** 978.05 (8) (b) of the statutes is amended to read:

24 978.05 (8) (b) Hire, employ and supervise his or her staff and, subject to s.
25 978.043, make appropriate assignments of the staff throughout the prosecutorial

1 unit. The district attorney may request the assistance of district attorneys, deputy
2 district attorneys or assistant district attorneys from other prosecutorial units or
3 assistant attorneys general who then may appear and assist in the investigation and
4 prosecution of any matter for which a district attorney is responsible under this
5 chapter in like manner as assistants in the prosecutorial unit and with the same
6 authority as the district attorney in the unit in which the action is brought. Nothing
7 in this paragraph limits the authority of counties to regulate the hiring, employment
8 and supervision of county employees.

9 ***-1412/1.1* SECTION 3238.** 978.13 (1) (b) of the statutes is amended to read:

10 978.13 (1) (b) In counties having a population of 500,000 or more, the salary
11 and fringe benefit costs of 2 clerk positions providing clerical services to the
12 prosecutors in the district attorney's office handling cases involving felony violations
13 under ch. 961. The state treasurer shall pay the amount authorized under this
14 paragraph to the county treasurer pursuant to a voucher submitted by the district
15 attorney to the department of administration from the appropriation under s. 20.475
16 (1) (i). The amount paid under this paragraph may not exceed ~~\$70,500~~ \$75,200 in
17 the ~~1997-98~~ 1999-2000 fiscal year and ~~\$73,000~~ \$77,500 in the ~~1998-99~~ 2000-01
18 fiscal year.

19 ***-1412/1.2* SECTION 3239.** 978.13 (1) (c) of the statutes is amended to read:

20 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and
21 fringe benefit costs of clerk positions in the district attorney's office necessary for the
22 prosecution of violent crime cases primarily involving felony violations under s.
23 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,
24 940.06, 940.225, 943.23 (1g), (1m) and (1r) and 943.32 (2). The state treasurer shall
25 pay the amount authorized under this paragraph to the county treasurer pursuant

1 to a voucher submitted by the district attorney to the secretary of administration
2 from the appropriation under s. 20.475 (1) (i). The amount paid under this paragraph
3 may not exceed ~~\$88,500~~ \$94,400 in the ~~1997-98~~ 1999-2000 fiscal year and ~~\$91,600~~
4 \$97,200 in the ~~1998-99~~ 2000-01 fiscal year.

5 ***-0284/2.7* SECTION 3240.** 980.01 (1) of the statutes is renumbered 980.01
6 (1s).

7 ***-0284/2.8* SECTION 3241.** 980.01 (1L) and (1m) of the statutes are created to
8 read:

9 980.01 (1L) “Daily cost of institutional care” means the daily cost of programs
10 and facilities for the control, care and treatment of a person placed at a secure mental
11 health unit or facility specified in s. 980.065.

12 (1m) “Daily cost of supervised release” means the daily cost of providing for all
13 necessary programs and facilities for the control, care and treatment of a person on
14 supervised release under this chapter.

15 ***-0113/1.1* SECTION 3242.** 980.03 (4) of the statutes is amended to read:

16 980.03 (4) Whenever ~~the a~~ person who is the subject of ~~the a~~ petition filed under
17 s. 980.02 or who has been committed under s. 980.06 is required to submit to an
18 examination under this chapter, he or she may retain experts or professional persons
19 to perform an examination. If the person retains a qualified expert or professional
20 person of his or her own choice to conduct an examination, the examiner shall have
21 reasonable access to the person for the purpose of the examination, as well as to the
22 person’s past and present treatment records, as defined in s. 51.30 (1) (b), and patient
23 health care records as provided under s. 146.82 (2) (c). If the person is indigent, the
24 court shall, upon the person’s request, appoint a qualified and available expert or
25 professional person to perform an examination and participate in the trial or other

1 proceeding on the person's behalf. Upon the order of the circuit court, the county
2 shall pay, as part of the costs of the action, the costs of ~~a court-appointed~~ an expert
3 or professional person appointed by a court under this subsection to perform an
4 examination and participate in the trial or other proceeding on behalf of an indigent
5 person. An expert or professional person appointed to assist an indigent person who
6 is subject to a petition may not be subject to any order by the court for the
7 sequestration of witnesses at any proceeding under this chapter.

8 *~~0284/2.9~~* SECTION 3243. 980.06 (2) (a) of the statutes is amended to read:

9 980.06 (2) (a) The court shall enter an initial commitment order under this
10 section pursuant to a hearing held as soon as practicable after the judgment that the
11 person who is the subject of a petition under s. 980.02 is a sexually violent person is
12 entered. If the court lacks sufficient information to make the determination required
13 by par. (b) immediately after trial, it may adjourn the hearing and order the
14 department to ~~conduct~~ submit a written report as to whether the criterion under par.
15 (b) for institutional care is met. For purposes of preparing the report the department
16 shall conduct a predisposition investigation using the procedure in s. 972.15 or a
17 supplementary mental examination, ~~or both, to assist the court in framing the~~
18 ~~commitment order. A supplementary mental examination under this paragraph~~
19 ~~shall be conducted~~ in accordance with s. 971.17 (2) (b) to (f), or both, and may conduct
20 any other investigation or inquiry that it considers appropriate to make the
21 determinations required in the report. The report shall be based on the results of any
22 predisposition investigation, supplementary mental examination and other
23 investigation or inquiry conducted by the department.

24 *~~0284/2.10~~* SECTION 3244. 980.06 (2) (b) of the statutes is amended to read:

1 980.06 (2) (b) An order for commitment under this section shall specify either
2 institutional care or supervised release. Except as provided in par. (bt), the court
3 shall order institutional care if it finds that it is substantially probable that the
4 person will engage in acts of sexual violence unless the person resides in a facility
5 with a level of security comparable to that of a secure mental health unit or facility
6 specified in s. 980.065.

7 **(bm)** In determining under par. (b) whether commitment shall be for
8 institutional care or for supervised release, the court may consider, without
9 limitation because of enumeration, the nature and circumstances of the behavior
10 that was the basis of the allegation in the petition under s. 980.02 (2) (a), the person's
11 mental history and present mental condition, where the person will live, how the
12 person will support himself or herself, and what arrangements are available to
13 ensure that the person has access to and will participate in necessary treatment,
14 including pharmacological treatment using an antiandrogen or the chemical
15 equivalent of an antiandrogen if the person is a serious child sex offender. In deciding
16 whether to order supervised release of person who is a serious child sex offender, the
17 court may not consider, as a factor in making its decision, that the person is a proper
18 subject for pharmacological treatment using an antiandrogen or the chemical
19 equivalent of an antiandrogen or that the person is willing to participate in
20 pharmacological treatment using an antiandrogen or the chemical equivalent of an
21 antiandrogen. ~~The department shall arrange for control, care and treatment of the~~
22 ~~person in the least restrictive manner consistent with the requirements of the person~~
23 ~~and in accordance with the court's commitment order.~~

24 ***-0284/2.11*** SECTION 3245. 980.06 (2) (bt) of the statutes is created to read:

1 980.06 (2) (bt) If a court determines under par. (b) that it is substantially
2 probable that the person will engage in acts of sexual violence unless he or she
3 resides in a facility with a level of security comparable to that of a secure mental
4 health unit or facility specified in s. 980.065, but the person establishes that it is
5 likely that the daily cost of supervised release under a plan providing for the person
6 to reside in a secure facility would not exceed the daily cost of institutional care for
7 the person, then the court may withhold final determination of the commitment
8 order and order the department to prepare a supervised release plan under par. (c).
9 After preparation of a supervised release plan ordered under this paragraph, the
10 proceedings shall continue as provided under pars. (cm), (cr), (cs) and (ct), as
11 appropriate.

12 *~~0284/2.12~~* SECTION 3246. 980.06 (2) (c) of the statutes is amended to read:

13 980.06 (2) (c) If the court finds under par. (b) that the person is appropriate for
14 supervised release or orders preparation of a supervised release plan under par. (bt),
15 the court shall notify the department. The department and the county department
16 under s. 51.42 in the county of residence of the person, as determined under s.
17 980.105, shall prepare a plan that identifies the treatment and services, if any, that
18 the person will receive in the community. If the county department of the person's
19 county of residence declines to prepare a plan, the department may arrange for
20 another county to prepare the plan if that county agrees to prepare the plan and if
21 the person will be living in that county. If the department is unable to arrange for
22 another county to prepare a plan, the court shall designate a county department to
23 prepare the plan, order the county department to prepare the plan and place the
24 person on supervised release in that county, except that the court may not so
25 designate the county department in any county where there is a facility in which

1 persons committed to institutional care under this chapter are placed, unless that
2 county is also the person's county of residence.

3 (cg) The plan prepared under par. (c) shall address the person's need, if any, for
4 supervision, counseling, medication, community support services, residential
5 services, vocational services, and alcohol or other drug abuse treatment. If the
6 person is a serious child sex offender, the plan shall address the person's need for
7 pharmacological treatment using an antiandrogen or the chemical equivalent of an
8 antiandrogen. ~~The department may contract with a county department, under s.~~
9 ~~51.42 (3) (aw) 1. d., with another public agency or with a private agency to provide~~
10 ~~the treatment and services identified in the plan.~~ The plan shall specify who will be
11 responsible for providing the treatment and services identified in the plan. If the
12 plan was ordered to be prepared under par. (bt), the plan shall include information
13 concerning the daily cost of supervised release under the plan and the daily cost of
14 institutional care for the person.

15 (cm) 2. The plan prepared under par. (c) shall be presented to the court for its
16 approval within 21 days after the court finding finds that the person is appropriate
17 for supervised release under par. (b) or orders preparation of the plan under par. (bt),
18 unless the department, county department and person to be released request
19 additional time to develop the plan. ~~If the county department of the person's county~~
20 ~~of residence declines to prepare a plan, the department may arrange for another~~
21 ~~county to prepare the plan if that county agrees to prepare the plan and if the person~~
22 ~~will be living in that county. If the department is unable to arrange for another~~
23 ~~county to prepare a plan, the court shall designate a county department to prepare~~
24 ~~the plan, order the county department to prepare the plan and place the person on~~
25 ~~supervised release in that county, except that the court may not so designate the~~

1 ~~county department in any county where there is a facility in which persons are~~
2 ~~detained or evaluated under s. 980.04 or in which persons committed to institutional~~
3 ~~care under this chapter are placed, unless that county is also the person's county of~~
4 ~~residence. The court shall hold a hearing on the plan within 30 days after the plan~~
5 ~~is presented to the court, unless the department, county department and person to~~
6 ~~be released agree to a later hearing date. At least 10 days before the hearing under~~
7 ~~this subdivision, the court shall give written notice of the hearing to the person to be~~
8 ~~released, the district attorney or department of justice, whichever is applicable, the~~
9 ~~department, the county department that prepared the plan, the chief executive~~
10 ~~officer of the county in which the person would reside under the plan and the chief~~
11 ~~executive officer of the city, village or town in which the person would reside under~~
12 ~~the plan. The person, the district attorney or the attorney general, whichever is~~
13 ~~applicable, and any chief executive officer who receives notice of the hearing, or the~~
14 ~~chief executive officer's designee, may present evidence at the hearing. The county~~
15 ~~department that prepared the plan and the department may, and upon request of the~~
16 ~~court shall, present evidence at the hearing.~~

17 *~~0284/2.13~~* SECTION 3247. 980.06 (2) (cm) 1. of the statutes is created to read:

18 980.06 (2) (cm) 1. In this paragraph, "chief executive officer" means a mayor,
19 city manager, village president, town chairperson, county executive or chairperson
20 of the county board of supervisors.

21 *~~0284/2.14~~* SECTION 3248. 980.06 (2) (cr), (cs), (ct), (cu) and (cv) of the statutes
22 are created to read:

23 980.06 (2) (cr) Based on the provisions of the plan and on the evidence
24 presented at the hearing under par. (cm) 2., the court shall determine whether the
25 plan provides adequate treatment and services to the person and adequate

1 protection to the community. If the court finds that the plan does not provide
2 adequate treatment and services to the person or adequate protection to the
3 community, the court shall issue a written decision and order disapproving the plan
4 and shall proceed under par. (cs). If the court finds that the plan provides either
5 adequate treatment and services to the person or adequate protection to the
6 community, the court shall, except as provided in par. (ct), issue a written decision
7 and order approving the plan and placing the person on supervised release in the
8 county that prepared the plan.

9 (cs) If the court disapproves a supervised release plan under par. (cr), it shall
10 order the department and the county department that prepared the plan to revise
11 the plan and present it to the court by a date specified by the court. The court shall
12 hold a hearing on the revised plan and make a determination as to whether to
13 approve or disapprove the plan as provided under pars. (cm) 2. and (cr).

14 (ct) If a supervised release plan that satisfies the criteria under par. (cr) was
15 ordered to be prepared under par. (bt), the court may approve the plan and order the
16 person placed on supervised release under par. (cr) only if, based on the provisions
17 of the plan and on the evidence presented at the hearing under par. (cm) 2., the court
18 determines that the daily cost of supervised release would not exceed the daily cost
19 of institutional care. If the daily cost of supervised release would exceed the daily
20 cost of institutional care, the court shall disapprove the supervised release plan and
21 order the person to be placed in institutional care. The court may not order a
22 supervised released plan disapproved under this paragraph to be revised under par.

23 (cs).

1 (cu) If the court approves a supervised release plan under par. (cr), the court
2 shall send a copy of its decision and order approving the plan to the chief executive
3 officers who received notice of the hearing on the plan under par. (cm) 2.

4 (cv) The county department that prepared the plan and the department shall
5 implement a plan approved by the court under par. (cr). In implementing the plan,
6 the department may contract with a county department, under s. 51.42 (3) (aw) 1.
7 d., with another public agency or with a private agency to provide the treatment and
8 services identified in the plan. The department may request the court to make such
9 orders as are necessary to ensure implementation of the plan.

10 *~~0284/2.15~~* SECTION 3249. 980.06 (2) (d) of the statutes is amended to read:

11 980.06 (2) (d) An order for supervised release places the person in the custody
12 and control of the department. The department shall arrange for control, care and
13 treatment of the person in the least restrictive manner consistent with the
14 requirements of the person and in accordance with the plan for supervised release
15 approved by the court under par. (cr) or s. 980.08 (5) (d), whichever is applicable. A
16 person on supervised release is subject to the conditions set by the court and to the
17 rules of the department. Before a person is placed on supervised release by the court
18 under this section, the court shall so notify the municipal police department and
19 county sheriff for the municipality and county in which the person will be residing.
20 The notification requirement under this paragraph does not apply if a municipal
21 police department or county sheriff submits to the court a written statement waiving
22 the right to be notified. If the department alleges that a released person has violated
23 any condition or rule, or that the safety of others requires that supervised release be
24 revoked, he or she may be taken into custody under the rules of the department. The
25 department shall submit a statement showing probable cause of the detention and

1 a petition to revoke the order for supervised release to the committing court and the
2 regional office of the state public defender responsible for handling cases in the
3 county where the committing court is located within 48 hours after the detention.
4 The court shall hear the petition within 30 days, unless the hearing or time deadline
5 is waived by the detained person. Pending the revocation hearing, the department
6 may detain the person in a jail or in a hospital, center or facility specified by s. 51.15
7 (2). The state has the burden of proving by clear and convincing evidence that any
8 rule or condition of release has been violated, or that the safety of others requires that
9 supervised release be revoked. If the court determines after hearing that any rule
10 or condition of release has been violated, or that the safety of others requires that
11 supervised release be revoked, it may revoke the order for supervised release and
12 order that the released person be placed in an appropriate institution until the
13 person is discharged from the commitment under s. 980.09 or until again placed on
14 supervised release under s. 980.08.

15 *~~0284/2.16~~* SECTION 3250. 980.065 (1m) of the statutes is amended to read:
16 980.065 (1m) The department ~~may~~ shall place a person committed to
17 institutional care under s. 980.06 (2) (b) or (ct) at ~~a mental health unit or facility,~~
18 ~~including a~~ the secure mental health ~~unit or facility at~~ established under s. 46.055,
19 the Wisconsin resource center established under s. 46.056 or a secure mental health
20 unit or facility provided by the department of corrections under sub. (2).

21 *~~0284/2.17~~* SECTION 3251. 980.065 (2) of the statutes is amended to read:
22 980.065 (2) The department may contract with the department of corrections
23 for the provision of a secure mental health unit or facility for persons committed to
24 institutional care under s. 980.06 (2) (b) or (ct). The department shall operate a
25 secure mental health unit or facility provided by the department of corrections under

1 this subsection and shall promulgate rules governing the custody and discipline of
2 persons placed by the department in the secure mental health unit or facility
3 provided by the department of corrections under this subsection.

4 ***-0113/1.2* SECTION 3252.** 980.07 (1) of the statutes is amended to read:

5 980.07 (1) If a person has been committed under s. 980.06 and has not been
6 discharged under s. 980.09, the department shall conduct an examination of his or
7 her mental condition within 6 months after an initial commitment under s. 980.06
8 and again thereafter at least once each 12 months for the purpose of determining
9 whether the person has made sufficient progress to be entitled to transfer to a less
10 restrictive facility, to supervised release or to discharge. At the time of a
11 reexamination under this section, the person who has been committed may retain
12 or, ~~if he or she is indigent and so requests, seek to have~~ the court ~~may~~ appoint a
13 ~~qualified expert or a professional person to examine him or her~~ an examiner as
14 provided under s. 980.03 (4).

15 ***-0284/2.18* SECTION 3253.** 980.07 (1) of the statutes is amended to read:

16 980.07 (1) If a person has been committed under s. 980.06 and has not been
17 discharged under s. 980.09, the department shall conduct an examination of his or
18 her mental condition within 6 months after an initial commitment under s. 980.06
19 and again thereafter at least once each 12 months for the purpose of determining
20 whether the person has made sufficient progress ~~to be entitled to transfer to a less~~
21 ~~restrictive facility, to~~ for the court to consider whether the person should be placed
22 on supervised release or to discharge ~~discharged~~. At the time of a reexamination
23 under this section, the person who has been committed may retain or, if he or she is
24 indigent and so requests, the court may appoint a qualified expert or a professional
25 person to examine him or her.