

1 amount to be paid based on a change in the payer's income if the amount of child or  
2 family support is expressed in the order as a fixed sum and based on the percentage  
3 standard established by the department under s. 49.22 (9). No adjustment may be  
4 made under this section unless the order provides for the adjustment.

5 (b) An adjustment under this section may not be made more than once in a year  
6 and shall be determined on the basis of the percentage standard established by the  
7 department under s. 49.22 (9).

8 (c) In the order the court or family court commissioner shall specify what  
9 information the parties must exchange to determine whether the payer's income has  
10 changed, and shall specify the manner and timing of the information exchange.

11 (2) If the court or family court commissioner provides for an annual  
12 adjustment, the court or family court commissioner shall make available to the  
13 parties, including the state if the state is a real party in interest under s. 767.075 (1),  
14 a form approved by the court or family court commissioner for the parties to use in  
15 stipulating to an adjustment of the amount of child or family support and to  
16 modification of any applicable income-withholding order. The form shall include an  
17 order, to be signed by a judge or family court commissioner, for approval of the  
18 stipulation of the parties.

19 (3) (a) If the payer's income changes from the amount found by the court or  
20 family court commissioner or stipulated to by the parties for the current child or  
21 family support order, the parties may implement an adjustment under this section  
22 by stipulating, on the form under sub. (2), to the changed income amount and the  
23 adjusted child or family support amount, subject to sub. (1) (b).

24 (b) The stipulation form must be signed by all parties, including the state if the  
25 state is a real party in interest under s. 767.075 (1), and filed with the court. If the

1 stipulation is approved, the order shall be signed by a judge or family court  
2 commissioner and implemented in the same manner as an order for a revision under  
3 s. 767.32. An adjustment under this subsection shall be effective as of the date on  
4 which the order is signed by the judge or family court commissioner.

5 (4) (a) Any party, including the state if the state is a real party in interest under  
6 s. 767.075 (1), may file a motion, petition, or order to show cause for implementation  
7 of an annual adjustment under this section if any of the following applies:

8 1. A party refuses to provide the information required by the court under sub.

9 (1) (c).

10 2. The payer's income changes, but a party refuses to sign the stipulation for  
11 an adjustment in the amount of child or family support.

12 (b) If the court or family court commissioner determines after a hearing that  
13 an adjustment should be made, the court or family court commissioner shall enter  
14 an order adjusting the child or family support payments by the amount determined  
15 by the court or family court commissioner, subject to sub. (1) (b). An adjustment  
16 under this subsection may not take effect before the date on which the party  
17 responding to the motion, petition, or order to show cause received notice of the action  
18 under this subsection.

19 (c) Notwithstanding par. (b), the court or family court commissioner may direct  
20 that all or part of the adjustment not take effect until such time as the court or family  
21 court commissioner directs, if any of the following applies:

22 1. The payee was seeking an adjustment and the payer establishes that  
23 extraordinary circumstances beyond his or her control prevent fulfillment of the  
24 adjusted child or family support obligation.

1           2. The payer was seeking an adjustment and the payee establishes that the  
2 payer voluntarily and unreasonably reduced his or her income below his or her  
3 earning capacity.

4           3. The payer was seeking an adjustment and the payee establishes that the  
5 adjustment would be unfair to the child.

6           (d) If in an action under this subsection the court or family court commissioner  
7 determines that a party has unreasonably failed to provide the information required  
8 under sub. (1) (c) or to provide the information on a timely basis, or unreasonably  
9 failed or refused to sign a stipulation for an annual adjustment, the court or family  
10 court commissioner may award to the aggrieved party actual costs, including service  
11 costs, any costs attributable to time missed from employment, the cost of travel to  
12 and from court, and reasonable attorney fees.

13           (5) (a) Nothing in this section affects a party's right to file at any time a motion,  
14 petition, or order to show cause under s. 767.32 for revision of a judgment or order  
15 with respect to an amount of child or family support.

16           (b) Nothing in this section affects a party's right to move the court for a finding  
17 of contempt of court or for remedial sanctions under ch. 785 if the other party  
18 unreasonably fails to provide or disclose information required under this section or  
19 unreasonably fails or refuses to sign a stipulation for an annual adjustment.

20           **SECTION 3793m.** 767.51 (3m) of the statutes is created to read:

21           767.51 (3m) (a) Upon the request of both parents, the court shall include in the  
22 judgment or order determining paternity an order changing the name of the child to  
23 a name agreed upon by the parents.

24           (b) Except as provided in par. (a), the court may include in the judgment or order  
25 determining paternity an order changing the surname of the child to a surname that

1 consists of the surnames of both parents separated by a hyphen or, if one or both  
2 parents have more than one surname, of one of the surnames of each parent  
3 separated by a hyphen, if all of the following apply:

4 1. Only one parent requests that the child's name be changed, or both parents  
5 request that the child's name be changed but each parent requests a different name  
6 change.

7 2. The court finds that such a name change is in the child's best interest.

8 (c) Section 786.36 does not apply to a name change under this subsection.

9 **SECTION 3794.** 767.62 (5) (b) of the statutes is amended to read:

10 767.62 (5) (b) If a court in a proceeding under par. (a) determines that the man  
11 is not the father of the child, the court shall vacate any order entered under sub. (4)  
12 with respect to the man. The court or the county child support agency under s. 59.53  
13 (5) shall notify the state registrar, in the manner provided in s. 69.15 (1) (b), to remove  
14 the man's name as the father of the child from the child's birth certificate. No  
15 paternity action may thereafter be brought against the man with respect to the child.

16 **SECTION 3795.** 778.02 of the statutes is amended to read:

17 **778.02 Action in name of state; complaint; attachment.** Every such  
18 forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to  
19 allege in the complaint that the defendant is indebted to the plaintiff in the amount  
20 of the forfeiture claimed, according to the provisions of the statute that imposes it,  
21 specifying the statute and for the penalty assessment imposed by s. 757.05, the jail  
22 assessment imposed by s. 302.46 (1), the crime laboratorics and drug law  
23 enforcement assessment imposed by s. 165.755, the enforcement assessment  
24 imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer ~~information~~  
25 protection assessment imposed by s. 100.261, and any applicable domestic abuse

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

9 **SECTION 3796.** 778.03 of the statutes is amended to read:

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

19 **SECTION 3797.** 778.06 of the statutes is amended to read:

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

1 ~~information protection~~ assessment imposed by s. 100.261, and any applicable  
2 domestic abuse assessment imposed by s. 973.055 (1); and judgment may be  
3 rendered for such sum as the court or jury shall assess or determine to be  
4 proportionate to the offense.

5 **SECTION 3798.** 778.10 of the statutes is amended to read:

6 **778.10 Municipal forfeitures, how recovered.** All forfeitures imposed by  
7 any ordinance or regulation of any county, town, city, or village, or of any other  
8 domestic corporation may be sued for and recovered, under this chapter, in the name  
9 of the county, town, city, village, or corporation. It is sufficient to allege in the  
10 complaint that the defendant is indebted to the plaintiff in the amount of the  
11 forfeiture claimed, specifying the ordinance or regulation that imposes it and of the  
12 penalty assessment imposed by s. 757.05, the jail assessment imposed by s. 302.46  
13 (1), the crime laboratories and drug law enforcement assessment imposed by s.  
14 165.755, any applicable consumer ~~information~~ protection assessment imposed by s.  
15 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1).  
16 If the ordinance or regulation imposes a penalty or forfeiture for several offenses or  
17 delinquencies the complaint shall specify the particular offenses or delinquency for  
18 which the action is brought, with a demand for judgment for the amount of the  
19 forfeiture, the penalty assessment imposed by s. 757.05, the jail assessment imposed  
20 by s. 302.46 (1), the crime laboratories and drug law enforcement assessment  
21 imposed by s. 165.755, any applicable consumer ~~information~~ protection assessment  
22 imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s.  
23 973.055 (1). All moneys collected on the judgment shall be paid to the treasurer of  
24 the county, town, city, village, or corporation, except that all jail assessments shall  
25 be paid to the county treasurer.

1           **SECTION 3799.** 778.105 of the statutes is amended to read:

2           **778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by  
3 any court or any branch thereof for the violation of any municipal or county  
4 ordinance shall be paid to the municipality or county. Penalty assessment payments  
5 shall be made as provided in s. 757.05. Jail assessment payments shall be made as  
6 provided in s. 302.46 (1). Crime laboratories and drug law enforcement assessment  
7 payments shall be paid as provided in s. 165.755. Domestic abuse assessments shall  
8 be made as provided in s. 973.055. Consumer ~~information~~ protection assessment  
9 payments shall be made as provided in s. 100.261.

10           **SECTION 3800.** 778.13 of the statutes is amended to read:

11           **778.13 Forfeitures collected, to whom paid.** All moneys collected in favor  
12 of the state for forfeiture, except the portion to be paid to any person who sues with  
13 the state, shall be paid by the officer who collects the forfeiture to the treasurer of the  
14 county within which the forfeiture was incurred within 20 days after its receipt. In  
15 case of any failure in the payment the county treasurer may collect the payment of  
16 the officer by action, in the name of the office and upon the official bond of the officer,  
17 with interest at the rate of 12% per year from the time when it should have been paid.  
18 Penalty assessment payments shall be made as provided in s. 757.05. Jail  
19 assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories  
20 and drug law enforcement assessment payments shall be paid as provided in s.  
21 165.755. Domestic abuse assessments shall be made as provided in s. 973.055.  
22 Enforcement assessments shall be made as provided in s. 253.06 (4) (c). Consumer  
23 ~~information~~ protection assessment payments shall be made as provided in s.  
24 100.261.

25           **SECTION 3801.** 778.18 of the statutes is amended to read:

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

18           **SECTION 3816m.** 779.41 (2) of the statutes is amended to read:

19           779.41 (2) Every keeper of a garage or repair shop who alters, repairs or does  
20 any work on any detached accessory, fitting or part of an automobile, truck,  
21 motorcycle, moped, low-speed vehicle, motor bicycle or similar motor vehicle or  
22 bicycle at the request of the owner or legal possessor thereof, shall have a lien upon  
23 and may retain possession of any such accessory, fitting or part until the charges for  
24 such alteration, repairing or other work have been paid. If the detached article



1 becomes attached to such motor vehicle or bicycle while in the possession of the  
2 keeper, the keeper has a lien on the motor vehicle or bicycle under sub. (1).

3 **SECTION 3815m.** 800.02 (2) (a) (intro.) of the statutes is amended to read:

4 800.02 (2) (a) (intro.) The citation shall be signed by a peace officer or endorsed  
5 by a municipal attorney or, if applicable, signed by a conservation warden or a state  
6 forest ranger. In addition, the governing body of a municipality authorized to adopt  
7 the use of citations may designate by ordinance or resolution other municipal  
8 officials who may issue citations with respect to ordinances which are directly  
9 related to the official responsibilities of the officials. Officials granted the authority  
10 to issue citations may delegate, with the approval of the governing body, the  
11 authority to employees. Authority delegated to an official or employee may be  
12 revoked only in the same manner by which it is conferred. The citation shall contain  
13 substantially the following information:

14 **SECTION 3817.** 800.02 (2) (a) 8. of the statutes is amended to read:

15 800.02 (2) (a) 8. Notice that, if the defendant makes a deposit and fails to  
16 appear in court at the time fixed in the citation, the defendant is deemed to have  
17 tendered a plea of no contest and submits to a forfeiture, penalty assessment, jail  
18 assessment, and crime laboratories and drug law enforcement assessment, any  
19 applicable consumer information protection assessment, and any applicable  
20 domestic abuse assessment plus costs, including the fee prescribed in s. 814.65 (1),  
21 not to exceed the amount of the deposit. The notice shall also state that the court may  
22 decide to summon the defendant rather than accept the deposit and plea.

23 **SECTION 3818.** 800.02 (3) (a) 5. of the statutes is amended to read:

24 800.02 (3) (a) 5. A plain and concise statement of the violation identifying the  
25 event or occurrence from which the violation arose and showing that the plaintiff is

1 entitled to relief, the ordinance, resolution or bylaw upon which the cause of action  
2 is based and a demand for a forfeiture, the amount of which shall not exceed the  
3 maximum set by the statute involved, the penalty assessment, the jail assessment,  
4 the crime laboratories and drug law enforcement assessment, any applicable  
5 consumer ~~information~~ protection assessment, any applicable domestic abuse  
6 assessment, and such other relief that is sought by the plaintiff.

7 **SECTION 3819.** 800.03 (3) of the statutes is amended to read:

8 800.03 (3) The amount of the deposit shall be set by the municipal judge, but  
9 shall not be effective until approved by the governing body of the municipality. The  
10 amount shall not exceed the maximum penalty for the offense, including any penalty  
11 assessment that would be applicable under s. 757.05, any jail assessment that would  
12 be applicable under s. 302.46 (1), any crime laboratories and drug law enforcement  
13 assessment that would be applicable under s. 165.755, any consumer ~~information~~  
14 protection assessment that would be applicable under s. 100.261, and any domestic  
15 abuse assessment that would be applicable under s. 973.055 (1), plus court costs,  
16 including the fee prescribed in s. 814.65 (1).

17 **SECTION 3820.** 800.04 (2) (b) of the statutes is amended to read:

18 800.04 (2) (b) If the municipal judge determines that the defendant should not  
19 be released under par. (a) and the defendant is charged with a traffic or boating  
20 violation, the municipal judge shall release the defendant on a deposit in the amount  
21 established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66.  
22 For other violations, the municipal judge shall establish a deposit in an amount not  
23 to exceed the maximum penalty for the offense, including any penalty assessment  
24 that would be applicable under s. 757.05, any jail assessment that would be  
25 applicable under s. 302.46 (1), any crime laboratories and drug law enforcement

1 assessment that would be applicable under s. 165.755, any consumer information  
2 protection assessment that would be applicable under s. 100.261, and any domestic  
3 abuse assessment that would be applicable under s. 973.055 (1). If the judge in a 1st  
4 class city determines that a defendant appearing before the judge through  
5 interactive video and audio transmission should not be released under par. (a), the  
6 judge shall inform the defendant that he or she has the right to appear personally  
7 before a judge for a determination, not prejudiced by the first appearance, as to  
8 whether he or she should be released without a deposit. On failure of the defendant  
9 to make a deposit under this paragraph, he or she may be committed to jail pending  
10 trial only if the judge finds that there is a reasonable basis to believe the person will  
11 not appear in court.

12 **SECTION 3821.** 800.04 (2) (c) of the statutes is amended to read:

13 800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03  
14 and does not appear, he or she is deemed to have tendered a plea of no contest and  
15 submits to a forfeiture, a penalty assessment imposed by s. 757.05, a jail assessment  
16 imposed by s. 302.46 (1), a crime laboratories and drug law enforcement assessment  
17 imposed by s. 165.755, any applicable consumer information protection assessment  
18 imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s.  
19 973.055 (1) plus costs, including the fee prescribed in s. 814.65 (1), not exceeding the  
20 amount of the deposit. The court may either accept the plea of no contest and enter  
21 judgment accordingly, or reject the plea and issue a summons. If the court finds that  
22 the violation meets the conditions in s. 800.093 (1), the court may summon the  
23 alleged violator into court to determine if restitution shall be ordered under s.  
24 800.093. If the defendant fails to appear in response to the summons, the court shall

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

3 **SECTION 3822.** 800.09 (1) (intro.) of the statutes is amended to read:

4 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it  
5 may render judgment by ordering restitution under s. 800.093 and payment of a  
6 forfeiture, the penalty assessment imposed by s. 757.05, the jail assessment imposed  
7 by s. 302.46 (1), the crime laboratories and drug law enforcement assessment  
8 imposed by s. 165.755, any applicable consumer ~~information~~ protection assessment  
9 imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s.  
10 973.055 (1) plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The  
11 court shall apply any payment received on a judgment that includes restitution to  
12 first satisfy any payment of restitution ordered, then to pay the forfeiture,  
13 assessments, and costs. If the judgment is not paid, the court may proceed under par.  
14 (a), (b), or (c) or any combination of those paragraphs, as follows:

15 **SECTION 3823.** 800.09 (1) (a) of the statutes is amended to read:

16 800.09 (1) (a) The court may defer payment of any judgment or provide for  
17 instalment payments. At the time the judgment is rendered, the court shall inform  
18 the defendant, orally and in writing, of the date by which restitution and the  
19 payment of the forfeiture, the penalty assessment, the jail assessment, the crime  
20 laboratories and drug law enforcement assessment, any applicable consumer  
21 ~~information~~ protection assessment, and any applicable domestic abuse assessment  
22 plus costs must be made, and of the possible consequences of failure to do so in timely  
23 fashion, including imprisonment, as provided in s. 800.095, or suspension of the  
24 defendant's motor vehicle operating privilege, as provided in par. (c), if applicable.  
25 If the defendant is not present, the court shall ensure that the information is sent

1 to the defendant by mail. In 1st class cities, all of the written information required  
2 by this paragraph shall be printed in English and Spanish and provided to each  
3 defendant.

4 **SECTION 3824.** 800.09 (2) (b) of the statutes is amended to read:

5 800.09 (2) (b) If the person charged fails to appear personally or by an attorney  
6 at the time fixed for hearing of the case, the defendant may be deemed to have  
7 entered a plea of no contest and the money deposited, if any, or such portion thereof  
8 as the court determines to be an adequate penalty, plus the penalty assessment, the  
9 jail assessment, the crime laboratories and drug law enforcement assessment, any  
10 applicable consumer ~~information~~ protection assessment, and any applicable  
11 domestic abuse assessment plus costs, including the fee prescribed in s. 814.65 (1),  
12 may be declared forfeited by the court or may be ordered applied upon the payment  
13 of any penalty which may be imposed, together with the penalty assessment, the jail  
14 assessment, the crime laboratories and drug law enforcement assessment, any  
15 applicable consumer ~~information~~ protection assessment, and any applicable  
16 domestic abuse assessment plus costs. If the court finds that the violation meets the  
17 conditions in s. 800.093 (1), the court may summon the alleged violator into court to  
18 determine if restitution shall be ordered under s. 800.093. Any money remaining  
19 after payment of any penalties, assessments, costs, and restitution shall be refunded  
20 to the person who made the deposit.

21 **SECTION 3825.** 800.10 (2) of the statutes is amended to read:

22 800.10 (2) All forfeitures, fees, penalty assessments, crime laboratories and  
23 drug law enforcement assessments, consumer ~~information~~ protection assessments,  
24 domestic abuse assessments, and costs paid to a municipal court under a judgment  
25 before a municipal judge shall be paid to the municipal treasurer within 7 days after

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

10 **SECTION 3826.** 800.12 (2) of the statutes is amended to read:

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

18 **SECTION 3828g.** 801.09 (2) (a) of the statutes is amended to read:

19 801.09 (2) (a) ~~Within~~ Except as provided in par. (c), within 45 days, exclusive  
20 of the day of service, after the summons has been served personally upon the  
21 defendant or served by substitution personally upon another authorized to accept  
22 service of the summons for the defendant; or

23 **SECTION 3828i.** 801.09 (2) (c) of the statutes is created to read:

24 801.09 (2) (c) Within 20 days, exclusive of the day of service, after the summons  
25 has been served personally upon the defendant or served by substitution personally

1 upon another authorized to accept service of the summons for the defendant if the  
2 proceeding is to foreclose or otherwise enforce a lien or security interest.

3 SECTION 3828jc. 801.095 (1) of the statutes is amended to read:

4 801.095 (1) PERSONAL SERVICE; COMPLAINT ATTACHED.

5 STATE OF WISCONSIN CIRCUI T COURT : .... COUNTY

6 \_\_\_\_\_

7 A. B.

8 Address

9 City, State Zip Code File No. ....

10 , Plaintiff

11 vs. S U M M O N S

12 C. D.

13 Address .... (Case Classification Type): .... (Code No.)

14 City, State Zip Code

15 , Defendant

16 \_\_\_\_\_

17 THE STATE OF WISCONSIN, To each person named above as a Defendant:

18 You are hereby notified that the Plaintiff named above has filed a lawsuit or  
19 other legal action against you. The complaint, which is attached, states the nature  
20 and basis of the legal action.

21 Within 45 (20) (45) days of receiving this summons, you must respond with a  
22 written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the  
23 complaint. The court may reject or disregard an answer that does not follow the  
24 requirements of the statutes. The answer must be sent or delivered to the court,

1 whose address is ....., and to ....., Plaintiff's attorney, whose address is .....

2 have an attorney help or represent you.

3 If you do not provide a proper answer within 45 (20) (45) days, the court may

4 grant judgment against you for the award of money or other legal action requested

5 in the complaint, and you may lose your right to object to anything that is or may be

6 incorrect in the complaint. A judgment may be enforced as provided by law. A

7 judgment awarding money may become a lien against any real estate you own now

8 or in the future, and may also be enforced by garnishment or seizure of property.

9 Dated: ....., .... (year)

Signed: ..... ..

A. B., Plaintiff

or

E. F., Plaintiff's Attorney

State Bar No.: ....

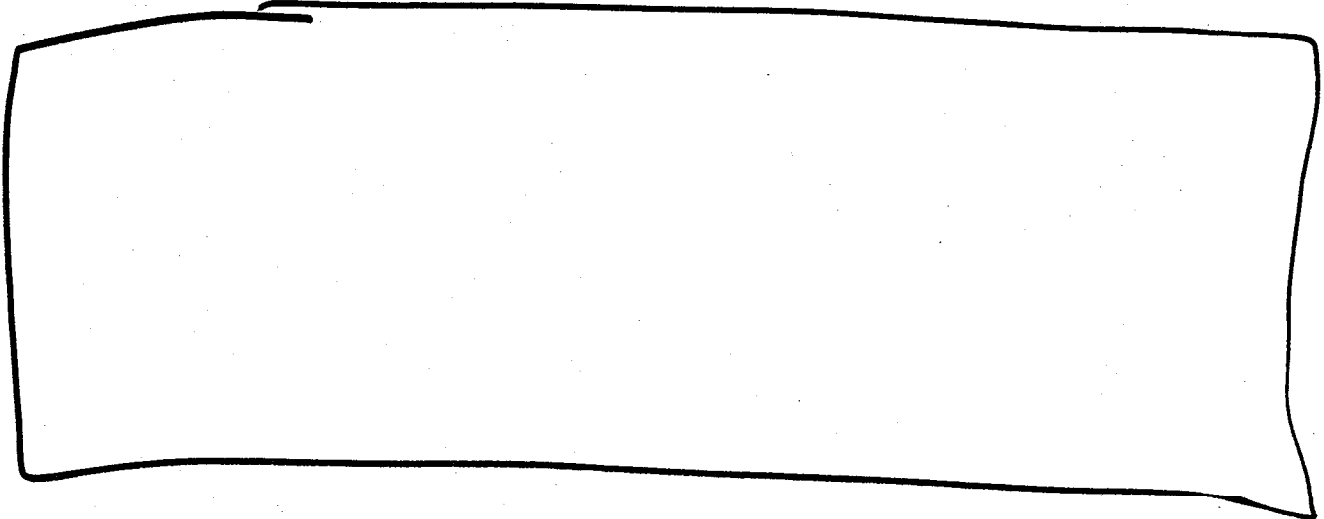
Address: ....

City, State Zip Code: ....

Phone No: ....

18 **SECTION 3828je.** 801.095 (2) of the statutes is amended to read:

19 801.095 (2) **PERSONAL SERVICE; NO COMPLAINT ATTACHED.**





1 STATE OF WISCONSIN CIRCUIT COURT : .... COUNTY

2 \_\_\_\_\_

3 A. B.

4 Address

5 City, State Zip Cod File No. ....

6 , Plaintiff

7 vs. S U M M O N S

8 C. D.

9 Address .... (Case Classification Type): .... (Code No.)

10 City, State Zip Code

11 , Defendant

12 \_\_\_\_\_

13 THE STATE OF WISCONSIN, To each person named above as a Defendant:

14 You are hereby notified that the Plaintiff named above has filed a lawsuit or  
15 other legal action against you.

16 Within 45 (20) (45) days of receiving this summons, you must respond with a  
17 written demand for a copy of the complaint. The demand must be sent or delivered  
18 to the court, whose address is ....., and to ....., Plaintiff's attorney, whose address is .....

19 You may have an attorney help or represent you.

20 If you do not demand a copy of the complaint within 45 (20) (45) days, the court  
21 may grant judgment against you for the award of money or other legal action  
22 requested in the complaint, and you may lose your right to object to anything that  
23 is or may be incorrect in the complaint. A judgment may be enforced as provided by

1 law. A judgment awarding money may become a lien against any real estate you own  
2 now or in the future, and may also be enforced by garnishment or seizure of property.

3 Dated: ....., .... (year)

4 Signed: .... ....

5 A. B., Plaintiff

6 or

7 E. F., Plaintiff's Attorney

8 State Bar No.: ....

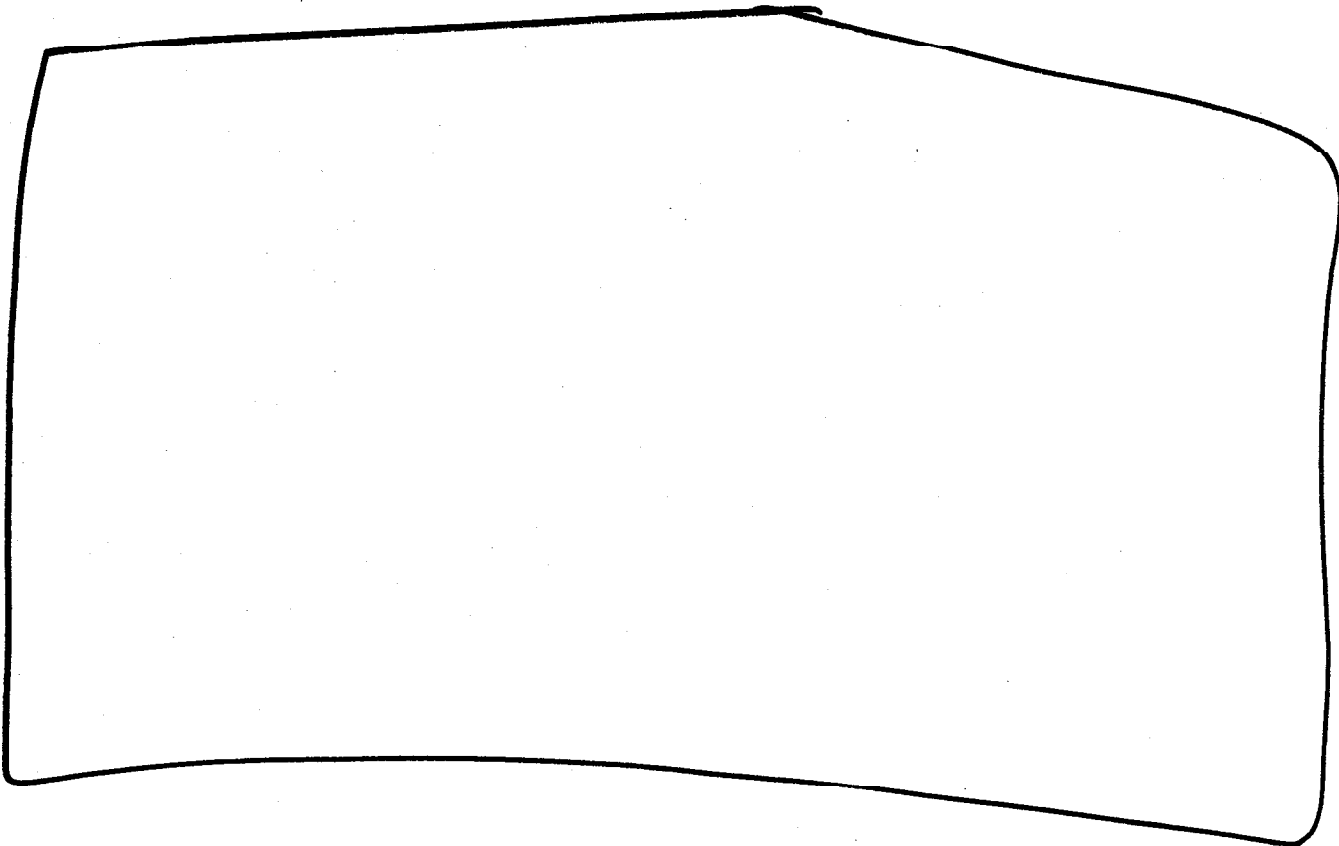
9 Address: ....

10 City, State Zip Code: ....

11 Phone No.: ....

12 **SECTION 3828jg.** 801.095 (3) of the statutes is amended to read:

13 **801.095 (3) NO PERSONAL SERVICE; COMPLAINT SERVED AT THE SAME TIME.**



1 STATE OF WISCONSIN CIRCUIT COURT : .... COUNTY

2

3 A. B.

4 Address

5 City, State Zip Code File No. ....

6 , Plaintiff

7 vs. SUMMONS

8 C. D.

9 Address .... (Case Classification Type): .... (Code No.)

10 City, State Zip Code

11 , Defendant

12

13 THE STATE OF WISCONSIN, To each person named above as a Defendant:

14 You are hereby notified that the Plaintiff named above has filed a lawsuit or  
15 other legal action against you. The complaint, which is also served upon you, states  
16 the nature and basis of the legal action.

17 Within 45 (20) (45) days after ....., .... (year), you must respond with a written  
18 answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the  
19 complaint. The court may reject or disregard an answer that does not follow the  
20 requirements of the statutes. The answer must be sent or delivered to the court,  
21 whose address is ....., and to ....., Plaintiff's attorney, whose address is ....., You may  
22 have an attorney help or represent you.

23 If you do not provide a proper answer within 45 (20) (45) days, the court may  
24 grant judgment against you for the award of money or other legal action requested

1 in the complaint, and you may lose your right to object to anything that is or may be  
2 incorrect in the complaint. A judgment may be enforced as provided by law. A  
3 judgment awarding money may become a lien against any real estate you own now  
4 or in the future, and may also be enforced by garnishment or seizure of property.

5 Dated: ....., .... (year)

6 Signed: .... ....

7 A. B., Plaintiff

8 or

9 E. F., Plaintiff's Attorney

10 State Bar No.: ....

11 Address: ....

12 City, State Zip Code: ....

13 Phone No: ....

14 **SECTION 3828jm.** 801.095 (4) of the statutes is amended to read:

15 801.095 (4) NO PERSONAL SERVICE; COMPLAINT NOT SERVED AT THE SAME TIME.

16 STATE OF WISCONSIN

CIRCUIT COURT : .... COUNTY

17  
18 A. B.

19 Address

20 City, State Zip Code

File No. ....

21 , Plaintiff

22 vs.

S U M M O N S

23 C. D.

24 Address .... (Case Classification Type): .... (Code No.)

1 City, State Zip Code  
2 , Defendant

3 \_\_\_\_\_

4 THE STATE OF WISCONSIN, To each person named above as a Defendant:

5 You are hereby notified that the plaintiff named above has filed a lawsuit or  
6 other legal action against you.

7 Within 45 (20) (45) days after ....., .... (year), you must respond with a written  
8 demand for a copy of the complaint. The demand must be sent or delivered to the  
9 court, whose address is ....., and to ....., Plaintiff's attorney, whose address is ....., You  
10 may have an attorney help or represent you.

11 If you do not demand a copy of the complaint within 45 (20) (45) days, the court  
12 may grant judgment against you for the award of money or other legal action  
13 requested in the complaint, and you may lose your right to object to anything that  
14 is or may be incorrect in the complaint. A judgment may be enforced as provided by  
15 law. A judgment awarding money may become a lien against any real estate you own  
16 now or in the future, and may also be enforced by garnishment or seizure of property.

17 Dated: ....., .... (year)

18 Signed: .... ....

19 A. B., Plaintiff

20 or

21 E. F., Plaintiff's Attorney

22 State Bar No.: ....

23 Address: ....

24 City, State Zip Code: ....

Phone No: ....

1  
2       **SECTION 3828jr.** 802.06 (1) of the statutes is amended to read:

3       802.06 (1) **WHEN PRESENTED.** Except as provided in sub. (1m) or when a court  
4 dismisses an action or special proceeding under s. 802.05 (3), a defendant shall serve  
5 an answer within 45 days after the service of the complaint upon the defendant. If  
6 Except as provided in sub. (1m), if a guardian ad litem is appointed for a defendant,  
7 the guardian ad litem shall have 45 days after appointment to serve the answer. A  
8 party served with a pleading stating a cross-claim against the party shall serve an  
9 answer thereto within 45 days after the service upon the party. The plaintiff shall  
10 serve a reply to a counterclaim in the answer within 45 days after service of the  
11 answer. The state or an agency of the state or an officer, employee or agent of the  
12 state shall serve an answer to the complaint or to a cross-claim or a reply to a  
13 counterclaim within 45 days after service of the pleading in which the claim is  
14 asserted. If any pleading is ordered by the court, it shall be served within 45 days  
15 after service of the order, unless the order otherwise directs. The service of a motion  
16 permitted under sub. (2) alters these periods of time as follows, unless a different  
17 time is fixed by order of the court: if the court denies the motion or postpones its  
18 disposition until the trial on the merits, the responsive pleading shall be served  
19 within 10 days after notice of the court's action; or if the court grants a motion for a  
20 more definite statement, the responsive pleading shall be served within 10 days after  
21 the service of the more definite statement.

22       Delete extra line space.

23       **SECTION 3828js.** 802.06 (1m) of the statutes is created to read:

24       802.06 (1m) **ENFORCEMENT OF LIEN OR SECURITY INTEREST.** If the proceeding is  
25 to foreclose or otherwise enforce a lien or security interest, the defendant or guardian

1 ad litem shall serve an answer within 20 days after the service of the complaint upon  
2 the defendant or 20 days after appointment of the guardian ad litem.

3 **SECTION 3828jt.** 802.06 (6) of the statutes is amended to read:

4 802.06 (6) MOTION TO STRIKE. Upon motion made by a party before responding  
5 to a pleading or, if no responsive pleading is permitted upon motion made by a party  
6 within 45 days after the service of the pleading upon the party, or within 20 days after  
7 the service if the proceeding is to foreclose or otherwise enforce a lien or security  
8 interest, or upon the court's own initiative at any time, the court may order stricken  
9 from any pleading any insufficient defense or any redundant, immaterial,  
10 impertinent, scandalous or indecent matter.

11 **SECTION 3828jv.** 802.09 (1) of the statutes is amended to read:

12 802.09 (1) AMENDMENTS. A party may amend the party's pleading once as a  
13 matter of course at any time within 6 months after the summons and complaint are  
14 filed or within the time set in a scheduling order under s. 802.10. Otherwise a party  
15 may amend the pleading only by leave of court or by written consent of the adverse  
16 party; and leave shall be freely given at any stage of the action when justice so  
17 requires. A party shall plead in response to an amended pleading within 45 days  
18 after service of the amended pleading, or within 20 days after the service if the  
19 proceeding is to foreclose or otherwise enforce a lien or security interest, unless (a)  
20 the court otherwise orders or (b) no responsive pleading is required or permitted  
21 under s. 802.01 (1).

22 **SECTION 3828c.** 801.02 (7) (a) 2. c. of the statutes is amended to read:

23 801.02 (7) (a) 2. c. A person bringing an action seeking relief from a judgment  
24 of conviction or a sentence of a court, including an action for an extraordinary writ

1 or a supervisory writ seeking relief from a judgment of conviction or a sentence of a  
2 court or an action under s. 809.30, 809.40, 973.19 ~~or~~, 974.06 or 974.07.

3 **SECTION 3828f.** 805.15 (3) (intro.) of the statutes is amended to read:

4 805.15 (3) (intro.) ~~A~~ Except as provided in ss. 974.07 (10) (b) and 980.101 (2)  
5 (b), a new trial shall be ordered on the grounds of newly-discovered evidence if the  
6 court finds that:

7 **SECTION 3828i.** 805.16 (5) of the statutes is created to read:

8 805.16 (5) The time limits in this section for filing motions do not apply to a  
9 motion for a new trial based on newly discovered evidence that is brought under s.  
10 974.06.

11 **SECTION 3828p.** 808.04 (2) of the statutes is amended to read:

12 808.04 (2) An appeal under s. 9.10 (4) (c), 227.60, or 799.445 shall be initiated  
13 within 15 days after entry of the judgment or order appealed from.

14 **SECTION 3828r.** 808.075 (4) (d) 3. of the statutes is amended to read:

15 808.075 (4) (d) 3. Annual adjustment of child or family support under s. 767.33.

16 **SECTION 3829d.** 808.075 (4) (h) of the statutes is amended to read:

17 808.075 (4) (h) Commitment, supervised release, recommitment ~~and,~~  
18 discharge, and postcommitment relief under ss. 980.06, 980.08, 980.09 ~~and,~~ 980.10,  
19 and 980.101 of a person found to be a sexually violent person under ch. 980.

20 **SECTION 3829n.** 809.30 (1) (a) of the statutes is amended to read:

21 809.30 (1) (a) "Postconviction relief" means, in a felony or misdemeanor case,  
22 an appeal or a motion for postconviction relief other than a motion under s. 973.19  
23 ~~or~~, 974.06, or 974.07 (2). In a ch. 48, 51, 55 or 938 case, other than a termination of  
24 parental rights case under s. 48.43, it means an appeal or a motion for  
25 reconsideration by the trial court of its final judgment or order; in such cases a notice



1 of intent to pursue such relief or a motion for such relief need not be styled as seeking  
2 “postconviction” relief

3 **SECTION 3829p.** 809.30 (2) (L) of the statutes is amended to read:

4 809.30 (2) (L) An appeal under s. 974.06 or 974.07 is governed by the  
5 procedures for civil appeals.

6 **SECTION 3830d.** 813.125 (3) (a) (intro.) of the statutes is amended to read:

7 813.125 (3) (a) (intro.) A judge or court commissioner may issue a temporary  
8 restraining order ordering the respondent to cease or avoid the harassment of  
9 another person, to avoid the petitioner’s residence, except as provided in par. (am),  
10 or any premises temporarily occupied by the petitioner or both, or any combination  
11 of these remedies requested in the petition, if all of the following occur:

12 **SECTION 3830f.** 813.125 (3) (am) of the statutes is created to read:

13 813.125 (3) (am) If the petitioner and the respondent are not married, and the  
14 respondent owns the premises where the petitioner resides, and the petitioner has  
15 no legal interest in the premises, in lieu of ordering the respondent to avoid the  
16 petitioner’s residence under par. (a) the judge or court commissioner may order the  
17 respondent to avoid the premises for a reasonable time until the petitioner relocates  
18 and shall order the respondent to avoid the new residence for the duration of the  
19 order.

20 **SECTION 3830h.** 813.125 (4) (a) (intro.) of the statutes is amended to read:

21 813.125 (4) (a) (intro.) A judge or court commissioner may grant an injunction  
22 ordering the respondent to cease or avoid the harassment of another person, to avoid  
23 the petitioner’s residence, except as provided in par. (am), or any premises  
24 temporarily occupied by the petitioner or both, or any combination of these remedies  
25 requested in the petition, if all of the following occur:

1           **SECTION 3830j.** 813.125 (4) (am) of the statutes is created to read:

2           813.125 (4) (am) If the petitioner and the respondent are not married, and the  
3 respondent owns the premises where the petitioner resides, and the petitioner has  
4 no legal interest in the premises, in lieu of ordering the respondent to avoid the  
5 petitioner's residence under par. (a) the judge or court commissioner may order the  
6 respondent to avoid the premises for a reasonable time until the petitioner relocates  
7 and shall order the respondent to avoid the new residence for the duration of the  
8 order.

9           **SECTION 3830m.** 814.04 (intro.) of the statutes, as affected by 2001 Wisconsin  
10 Act 6, is amended to read:

11           **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.30 (5m),  
12 106.50 (6) (i) and (6m) (a), 115.80 (9), 281.36 (2) (b) 1., 767.33 (4) (d), 769.313, 814.025,  
13 814.245, 895.035 (4), 895.10 (3), 895.75 (3), 895.77 (2), 895.79 (3), 895.80 (3), 943.212  
14 (2) (b), 943.245 (2) (d) and 943.51 (2) (b), when allowed costs shall be as follows:

15           **SECTION 3832.** 814.60 (2) (ai) of the statutes is amended to read:

16           814.60 (2) (ai) Consumer ~~information~~ protection assessment imposed by s.  
17 100.261.

18           **SECTION 3832c.** 814.60 (2) (eg) of the statutes is created to read:

19           814.60 (2) (eg) Truck driver education assessment imposed by s. 349.04.

20           **SECTION 3832k.** 814.615 (1) (a) 3. of the statutes is amended to read:

21           814.615 (1) (a) 3. For a study under s. 767.11 (14), a fee of ~~\$300~~ \$500.

22           **SECTION 3832m.** 814.63 (1) (c) of the statutes is amended to read:

23           814.63 (1) (c) This subsection does not apply to an action for a violation of s.  
24 101.123 (2) (a), (am) 1., (ar) ~~or~~, (bm), or (br) or (5) or a safety belt use violation under  
25 s. 347.48 (2m).

1           **SECTION 3834.** 814.63 (3) (ai) of the statutes is amended to read:

2           814.63 (3) (ai) Consumer ~~information~~ protection assessment imposed by s.  
3 100.261.

4           **SECTION 3834m.** 814.63 (3) (g) of the statutes is created to read:

5           814.63 (3) (g) Truck driver education assessment imposed by s. 349.04.

6           **SECTION 3835g.** ✓ 814.66 (1) (a) 2. of the statutes is amended to read:

7           814.66 (1) (a) 2. For filing a petition whereby any proceeding in estates of  
8 deceased persons is commenced, if the value of the property subject to  
9 administration, less encumbrances, liens or charges, is \$10,000 or less, a fee of \$10  
10 ~~\$20~~ and, if more than \$10,000, a fee of ~~0.1%~~ 0.2% of the value of the property subject  
11 to administration, less encumbrances, liens or charges. The register in probate may  
12 not base a fee under this subdivision upon the value of property that is not subject  
13 to administration.

14           **SECTION 3835h.** ✓ 814.66 (1) (b) 2. of the statutes is amended to read:

15           814.66 (1) (b) 2. For filing a petition for guardianship of the estate under ch.  
16 880 or an application for conservatorship under ch. 880, if the value of the property,  
17 less encumbrances, liens or charges, is \$10,000 or less, a fee of \$10 ~~\$20~~ and, if more  
18 than \$10,000, a fee of ~~0.1%~~ 0.2% of the value of the property, less encumbrances, liens  
19 or charges.

20           **SECTION 3835i.** ✓ 814.66 (3) of the statutes is amended to read:

21           814.66 (3) The register in probate shall, on the first Monday of each month, pay  
22 into the office of the county treasurer all fees collected by him or her and in his or her  
23 hands and still unclaimed as of that day. Each county treasurer shall make a report  
24 under oath to the state treasurer on or before the 5th day of January, April, July and  
25 October of all fees received by him or her under sub. (1) (a) to (f) up to the first day

1 of each of those months and shall at the same time pay 50% 66.67% of the fees to the  
2 state treasurer for deposit in the general fund. Each county treasurer shall retain  
3 the balance of fees received by him or her under this section for the use of the county.

4

5 **SECTION 3836dd.** 814.67 (1) (am) of the statutes is created to read:

6 814.67 (1) (am) For witnesses attending before a circuit court, \$16 per day.

7 **SECTION 3836f.** 814.67 (1) (b) (intro.) of the statutes is amended to read:

8 814.67 (1) (b) (intro.) For attending before ~~any other court~~ the court of appeals  
9 or the supreme court:

10 **SECTION 3836g.** 814.67 (1) (b) 2. of the statutes is amended to read:

11 814.67 (1) (b) 2. For interpreters, ~~\$35 per one-half day~~ a fee determined by the  
12 supreme court.

13 **SECTION 3836r.** 814.69 (1) (b) of the statutes is amended to read:

14 814.69 (1) (b) For a transcript under s. 757.57 (5), a fee from the party  
15 requesting the transcript at the rate of ~~\$1.75~~ \$2.25 per 25-line page for the original  
16 and ~~60~~ 50 cents per 25-line page for each copy. If the request is by the state or any  
17 political subdivision thereof, the fees of the reporter shall be at the rates provided in  
18 par. (a).

19 **SECTION 3836s.** 814.69 (1) (bm) of the statutes is created to read:

20 814.69 (1) (bm) If a party requests that a transcript under s. 757.57 (5) be  
21 prepared within 7 days after the request and the transcript is not required by  
22 supreme court rule or statute to be prepared within that 7 day period, a fee in  
23 addition to the fee under par. (b) of 75 cents per 25-line page for the original and 25  
24 cents for each copy. The fee under this paragraph does not apply to a request made  
25 by the state or a political subdivision of the state.

1           **SECTION 3836t.** 818.05 of the statutes is amended to read:

2           **818.05 Bond, ~~liability of plaintiff for support.~~** Before making the order for  
3 arrest the court or judge shall require a bond of the plaintiff, with or without sureties,  
4 to the effect that if the plaintiff fails to recover, the plaintiff will pay all costs that may  
5 be awarded to the defendant and all damages which the defendant may sustain by  
6 reason of the arrest, not exceeding the sum specified in the bond, which shall be at  
7 least \$100. If the bond be executed by the plaintiff without sureties the plaintiff shall  
8 annex thereto an affidavit that the plaintiff is a resident and householder or  
9 freeholder within the state and worth double the sum specified in the bond above all  
10 of the plaintiff's debts and liabilities in property in this state not exempt from  
11 execution. ~~The plaintiff shall be liable for support of the defendant while the~~  
12 ~~defendant is in jail, as specified in s. 898.14 (1).~~ This section does not apply to an  
13 order for arrest in an action to determine paternity or to any action under ch. 767  
14 brought by the state or its designee.

15           **SECTION 3843.** 867.035 (1) (a) (intro.) of the statutes is amended to read:

16           867.035 (1) (a) (intro.) ~~Except as provided in~~ Subject to par. (bm), the  
17 department of health and family services may collect from the property of a decedent,  
18 including funds of a decedent that are held by the decedent immediately before death  
19 in a joint account or a P.O.D. account, by affidavit under ~~this section~~ sub. (2) or by  
20 lien under sub. (2m) an amount equal to the medical assistance that is recoverable  
21 under s. 49.496 (3) (a), the long-term community support services under s. 46.27 that  
22 is recoverable under s. 46.27 (7g) (c) 1., the family care benefit that is recoverable  
23 under rules promulgated under s. 46.286 (7), or the aid under s. 49.68, 49.683, or  
24 49.685 that is recoverable under s. 49.682 (2) (a) and that was paid on behalf of the  
25 decedent or the decedent's spouse, if all of the following conditions are satisfied:

1           **SECTION 3844.** 867.035 (1) (a) 1. of the statutes is amended to read:

2           867.035 (1) (a) 1. No person files a petition for administration or summary  
3 settlement or assignment of the decedent's estate within 20 days of death.

4           **SECTION 3845.** 867.035 (1) (bm) (intro.) of the statutes is amended to read:

5           867.035 (1) (bm) (intro.) The department of health and family services ~~may not~~  
6 ~~collect by affidavit under this section from any of~~ shall reduce the amount of its  
7 recovery under par. (a) by up to the amount specified in s. 861.33 (2) if necessary to  
8 allow the decedent's heirs or beneficiaries under the decedent's will to retain the  
9 following personal property of the decedent:

10          **SECTION 3846.** 867.035 (1) (bm) 1. of the statutes is repealed.

11          **SECTION 3847.** 867.035 (1) (bm) 2. of the statutes is amended to read:

12          867.035 (1) (bm) 2. Wearing apparel and jewelry held for personal use.

13          **SECTION 3848.** 867.035 (1) (bm) 3. of the statutes is amended to read:

14          867.035 (1) (bm) 3. Household furniture, furnishings, and appliances.

15          **SECTION 3849.** 867.035 (1) (bm) 4. of the statutes is repealed and recreated to  
16 read:

17          867.035 (1) (bm) 4. Other tangible personal property not used in trade,  
18 agriculture, or other business, not exceeding in value the amount specified in s.  
19 861.33 (1) (a) 4.

20          **SECTION 3850.** 867.035 (2) of the statutes is amended to read:

21          867.035 (2) A person who possesses property of a decedent shall transmit the  
22 property to the department of health and family services, if the conditions in sub. (1)  
23 (a) 1. to 4. are satisfied, upon receipt of an affidavit by a person designated by the  
24 secretary of health and family services to administer this section showing that the  
25 ~~conditions in sub. (1) (a) are satisfied~~ department paid on behalf of the decedent or

1 the decedent's spouse recoverable benefits specified in sub. (1) (a). Upon transmittal,  
2 the person is released from any obligation to other creditors or heirs of the decedent.

3 **SECTION 3851.** 867.035 (2m) of the statutes is created to read:


4 867.035 (2m) (a) If the conditions in sub. (1) (a) 1., 2., and 4. are satisfied, the  
5 department of health and family services shall have a lien in the amount that it may  
6 recover under sub. (1) (a) on any interest in the decedent's home, as defined in s.  
7 49.496 (1) (b), transferred under s. 867.03 (1g). The department may record the lien  
8 in the office of the register of deeds of the county in which the real property is located.  
9 The department may enforce the lien by foreclosure in the same manner as a  
10 mortgage on real property, unless any of the following is alive:

11 1. The decedent's spouse.

12 2. A child of the decedent if the child is under age 21 or disabled, as defined in  
13 s. 49.468 (1) (a) 1.

14 (b) If the conditions in sub. (1) (a) 1. to 4. are satisfied, the department of health  
15 and family services shall have a lien in the amount that it may recover under sub.  
16 (1) (a) on any interest in any real property of the decedent transferred under s. 867.03  
17 (1g). The department may record the lien in the office of the register of deeds of the  
18 county in which the real property is located and may enforce the lien by foreclosure  
19 in the same manner as a mortgage on real property.

20

 **SECTION 3852d.** 885.37 (title) of the statutes is amended to read:

21 **885.37 (title) ~~Interpreters for persons with language difficulties or~~**  
22 **~~hearing or speaking impairments in municipal courts and administrative~~**  
23 **agency contested cases.**

24 **SECTION 3852g.** 885.37 (1) (a) of the statutes is repealed.  
25

↑  
Space  
↓

1           **SECTION 3852m.** 885.37 (1) (b) of the statutes is amended to read:

2           885.37 (1) (b) If a municipal court has notice that a person who fits any of the  
3 ~~criteria under par. (a)~~ is a juvenile or parent subject to ch. 938, or who is a witness  
4 in a proceeding under ch. 938, has a language difficulty because of the inability to  
5 speak or understand English, has a hearing impairment, is unable to speak or has  
6 a speech defect, the court shall make a factual determination of whether the  
7 language difficulty or the hearing or speaking impairment is sufficient to prevent the  
8 individual from communicating with his or her attorney, reasonably understanding  
9 the English testimony or reasonably being understood in English. If the court  
10 determines that an interpreter is necessary, the court shall advise the person that  
11 he or she has a right to a qualified interpreter and that, if the person cannot afford  
12 one, an interpreter will be provided for him or her at the public's expense. Any waiver  
13 of the right to an interpreter is effective only if made voluntarily in person, in open  
14 court and on the record.

15           **SECTION 3852r.** 885.37 (2) of the statutes is amended to read:

16           885.37 (2) A municipal court may authorize the use of an interpreter in actions  
17 or proceedings in addition to those specified in sub. (1) (b).

18           **SECTION 3853g.** 885.37 (4) (a) of the statutes is repealed and recreated to read:

19           885.37 (4) (a) The necessary expense of furnishing an interpreter for an  
20 indigent person in a municipal court shall be paid by the municipality.

21           **SECTION 3853m.** 885.37 (5) (a) of the statutes is amended to read:

22           885.37 (5) (a) If a municipal court under sub. (1) (b) or (2) or an agency under  
23 sub. (3) decides to appoint an interpreter, the court or agency shall follow the  
24 applicable procedure under par. (b) or (c).

25           **SECTION 3860m.** 885.38 of the statutes is created to read:



1           **885.38 Interpreters in circuit and appellate courts. (1)** In this section:

2           (a) “Court proceeding” means any proceeding before a court of record.

3           (b) “Limited English proficiency” means any of the following:

4           1. The inability, because of the use of a language other than English, to  
5 adequately understand or communicate effectively in English in a court proceeding.

6           2. The inability, due to a speech impairment, hearing loss, deafness,  
7 deaf-blindness, or other disability, to adequately hear, understand, or communicate  
8 effectively in English in a court proceeding.

9           (c) “Qualified interpreter” means a person who is able to do all of the following:

10           1. Readily communicate with a person who has limited English proficiency.

11           2. Orally transfer the meaning of statements to and from English and the  
12 language spoken by a person who has limited English proficiency in the context of  
13 a court proceeding.

14           3. Readily and accurately interpret for a person who has limited English  
15 proficiency, without omissions or additions, in a manner that conserves the meaning,  
16 tone, and style of the original statement, including dialect, slang, and specialized  
17 vocabulary.

18           **(2)** The supreme court shall establish the procedures and policies for the  
19 recruitment, training, and certification of persons to act as qualified interpreters in  
20 a court proceeding and for the coordination, discipline, retention, and training of  
21 those interpreters.

22           **(3)** (a) In criminal proceedings and in proceedings under ch. 48, 51, 55, or 938,  
23 if the court determines that the person has limited English proficiency and that an  
24 interpreter is necessary, the court shall advise the person that he or she has the right

1 to a qualified interpreter and that, if the person cannot afford one, an interpreter will  
2 be provided at the public's expense if the person is one of the following:

3 1. A party in interest.

4 2. A witness, while testifying in a court proceeding.

5 3. An alleged victim, as defined in s. 950.02 (4).

6 4. A parent or legal guardian of a minor party in interest or the legal guardian  
7 of a party in interest.

8 5. Another person affected by the proceedings, if the court determines that the  
9 appointment is necessary and appropriate.

10 (b) The court may appoint more than one qualified interpreter in a court  
11 proceeding when necessary.

12 (c) If a person with limited English proficiency, as defined in sub. (1) (b) 2., is  
13 part of a jury panel in a court proceeding, the court shall appoint a qualified  
14 interpreter for that person.

15 (d) If a person with limited English proficiency requests the assistance of the  
16 clerk of circuit courts regarding a legal proceeding, the clerk may provide the  
17 assistance of a qualified interpreter to respond to the person's inquiry.

18 (e) A qualified interpreter appointed under this subsection may, with the  
19 approval of the court, provide interpreter services outside the court room that are  
20 related to the court proceedings, including during court-ordered psychiatric or  
21 medical exams or mediation.

22 (f) A court may authorize the use of a qualified interpreter in actions or  
23 proceedings in addition to those specified in par. (a).

24 (4) (a) The court may accept the waiver of the right to a qualified interpreter  
25 by a person with limited English proficiency at any point in the court proceeding if

1 the court advises the person of the nature and effect of the waiver and determines  
2 on the record that the waiver has been made knowingly, intelligently, and  
3 voluntarily.

4 (b) At any point in the court proceeding, for good cause, the person with limited  
5 English proficiency may retract his or her waiver and request that a qualified  
6 interpreter be appointed.

7 (5) Every qualified interpreter, before commencing his or her duties in a court  
8 proceeding, shall take a sworn oath that he or she will make a true and impartial  
9 interpretation. The supreme court may approve a uniform oath for qualified  
10 interpreters.

11 (6) Any party to a court proceeding may object to the use of any qualified  
12 interpreter for good cause. The court may remove a qualified interpreter for good  
13 cause.

14 (7) The delay resulting from the need to locate and appoint a qualified  
15 interpreter may constitute good cause for the court to toll the time limitations in the  
16 court proceeding.

17 (8) (a) Except as provided in par. (b), the necessary expenses of providing  
18 qualified interpreters to indigent persons with limited English proficiency under  
19 this section shall be paid as follows:

20 1. The county in which the circuit court is located shall pay the expenses in all  
21 proceedings before a circuit court and when the clerk of circuit court uses a qualified  
22 interpreter under sub. (3) (d). The county shall be reimbursed as provided in s.  
23 758.19 (8) for expenses paid under this subdivision.

24 2. The court of appeals shall pay the expenses in all proceedings before the court  
25 of appeals.

1           3. The supreme court shall pay the expenses in all proceedings before the  
2 supreme court.

3           (b) The state public defender shall pay the expenses for interpreters assisting  
4 the state public defender in representing an indigent person in preparing for court  
5 proceedings.

6           **SECTION 3862c.** 891.45 of the statutes is renumbered 891.45 (2) and amended  
7 to read:

8           891.45 (2) In any proceeding involving the application by a state, county, or  
9 municipal fire fighter or his or her beneficiary for disability or death benefits under  
10 ~~s. 66.191, 1981 stats., or s. 40.65 (2)~~ or any pension or retirement system applicable  
11 to fire fighters, where at the time of death or filing of application for disability  
12 benefits the deceased or disabled ~~municipal~~ fire fighter had served a total of 5 years  
13 as a state, county, or municipal fire fighter and a qualifying medical examination  
14 given prior to the time of his or her ~~joining the department~~ becoming a state, county,  
15 or municipal fire fighter showed no evidence of heart or respiratory impairment or  
16 disease, and where the disability or death is found to be caused by heart or  
17 respiratory impairment or disease, such finding shall be presumptive evidence that  
18 such impairment or disease was caused by such employment. ~~In this section,~~  
19 ~~“municipal fire fighter” includes any person designated as primarily a fire fighter~~  
20 ~~under s. 61.66 (2) and any person under s. 61.66 whose duties as a fire fighter during~~  
21 ~~the 5-year qualifying period took up at least two-thirds of his or her working hours.~~

22           **SECTION 3862h.** 891.45 (1) of the statutes is created to read:

23           891.45 (1) In this section:

24           (a) “County fire fighter” means any person employed by a county whose duties  
25 primarily include active fire suppression or prevention.

1 (b) “Municipal fire fighter” includes any person designated as primarily a fire  
2 fighter under s. 61.66 (2) and any person under s. 61.66 whose duties as a fire fighter  
3 during the 5-year qualifying period took up at least two-thirds of his or her working  
4 hours.

5 (c) “State fire fighter” means any person employed by the state whose duties  
6 primarily include active fire suppression or prevention and who is a protective  
7 occupation participant, as defined in s. 40.02 (48).

8 **SECTION 3862p.** 891.455 (1) of the statutes is amended to read:

9 891.455 (1) In this section, “state, county, or municipal fire fighter” means a  
10 ~~municipal~~ fire fighter who is covered under s. 891.45 and any person under s. 61.66  
11 whose duties as a fire fighter during the 10-year qualifying period specified in sub.  
12 (2) took up at least two-thirds of his or her working hours.

13 **SECTION 3862t.** 891.455 (2) of the statutes is amended to read:

14 891.455 (2) ~~Beginning with applications submitted by a municipal fire fighter~~  
15 ~~or his or her beneficiary on May 12, 1998, in~~ In any proceeding involving an  
16 application by a state, county, or municipal fire fighter or his or her beneficiary for  
17 disability or death benefits under s. ~~66.191, 1981 stats.,~~ or s. 40.65 (2) or any pension  
18 or retirement system applicable to fire fighters, where at the time of death or filing  
19 of application for disability benefits the deceased or disabled ~~municipal~~ fire fighter  
20 had served a total of 10 years as a state, county, or municipal fire fighter and a  
21 qualifying medical examination given prior to the time of his or her ~~joining the~~  
22 ~~department~~ becoming a state, county, or municipal fire fighter showed no evidence  
23 of cancer, and where the disability or death is found to be caused by cancer, such  
24 finding shall be presumptive evidence that the cancer was caused by such  
25 employment.

1           **SECTION 3862w.** 893.335 of the statutes is created to read:

2           **893.335 Actions concerning property development rights.** (1) In this  
3 section:

4           (a) “Nonprofit organization” means an organization defined in s. 94.10 (1) (b)  
5 that has jointly pursued or is currently pursuing the acquisition of property  
6 development rights with the state, a state agency, or a political subdivision.

7           (b) “Political subdivision” means a city, village, town, or county, or a  
8 department, division board, or other agency of a city, village, town, or county.

9           (c) “Property development rights” means the holder’s nonpossessory interest  
10 in real property imposing any limitation or affirmative obligation the purpose of  
11 which may include retaining or protecting natural, scenic, or open space values of  
12 real property, assuring the availability of real property for agricultural, forest,  
13 recreational, or open space use, protecting natural resources, maintaining or  
14 enhancing air or water quality, preserving a burial site, as defined in s. 157.70 (1) (b),  
15 or preserving the historical, architectural, archaeological, or cultural aspects of real  
16 property.

17           (d) “Value” means the amount paid for comparable property development  
18 rights in an arm’s-length sale completed within 12 months before the sale in  
19 question.

20           (2) (a) A person who sells the property development rights for a period of 30  
21 years or longer in real property or his or her heir or devisee shall bring an action  
22 within one year after the sale of the property development rights to recover the  
23 difference between the value of the property development rights and the sale price  
24 of those rights or be barred.

1 (b) A person may bring an action under this subsection only if all of the  
2 following conditions are met:

3 1. The purchaser is a nonprofit organization, the state, an agency of the state,  
4 or a political subdivision.

5 2. The amount paid for the property development rights was at least 5% below  
6 the value of the property development rights.

7 (c) If the transfer of the property development rights involved a gift, a person  
8 may only recover for the portion of the transfer that was not a gift.

9 (4) If the person under sub. (2) is successful in obtaining a judgment under this  
10 section, the court shall include in the judgment compounded interest from the date  
11 that the property was sold, using the interest rate charged for delinquent property  
12 taxes by the county in which the property is located.

13 SECTION 3862x. 893.587 of the statutes is amended to read:

14 **893.587 Incest Sexual assault of a child; limitation.** An action to recover  
15 damages for injury caused by ~~incest~~ an act that would constitute a violation of s.  
16 948.02, 948.025, 948.06, or 948.095 shall be commenced within ~~2~~ 5 years after the  
17 plaintiff discovers the fact and the probable cause, or with the exercise of reasonable  
18 diligence should have discovered the fact and the probable cause, of the injury,  
19 whichever occurs first. This section does not shorten the period to commence an  
20 action provided under s. 893.16 (1).

21 SECTION 3862yg. 893.66 (title) of the statutes is amended to read:

22 **893.66 (title) Accountants Certified public accountants; limitations of**  
23 **actions.**

24 SECTION 3862yr. 893.66 (1) of the statutes is amended to read:

1           893.66 (1) Except as provided in subs. (1m) to (4), an action to recover damages,  
2 based on tort, contract or other legal theory, against any certified public accountant  
3 licensed or certified under ch. 442 for an act or omission in the performance of  
4 professional accounting services shall be commenced within 6 years from the date  
5 of the act or omission or be barred.

6           **SECTION 3863.** 895.11 of the statutes is created to read:

7           **895.11 Payments under the tobacco settlement agreement.** (1) In this  
8 section, “tobacco settlement agreement” means the Attorneys General Master  
9 Tobacco Settlement Agreement of November 23, 1998.

10           (2) The state’s participation in the tobacco settlement agreement is affirmed.

11           (3) All payments received and to be received by the state under the tobacco  
12 settlement agreement are the property of the state, to be used as provided by law,  
13 including a sale, assignment, or transfer of the right to receive the payments under  
14 s. 16.63. No political subdivision of the state, and no officer or agent of any political  
15 subdivision of the state, shall have or seek to maintain any claim related to the  
16 tobacco settlement agreement or any claim against any party that was released from  
17 liability by the state under the tobacco settlement agreement.

18           **SECTION 3864.** 895.483 (title) of the statutes is amended to read:

19           **895.483 (title) Civil liability exemption; regional and ~~county~~ local**  
20 **emergency response teams and their sponsoring agencies.**

21           **SECTION 3865.** 895.483 (2) of the statutes is amended to read:

22           895.483 (2) A ~~county~~ local emergency response team, a member of such a team  
23 and the county, city, village, or town that contracts to provide the emergency response  
24 team to the county are immune from civil liability for acts or omissions related to  
25 carrying out responsibilities pursuant to a designation under s. 166.21 (2m) (e).



1           **SECTION 3871t.** 895.80 (1) of the statutes is amended to read:

2           895.80 (1) Any person who suffers damage or loss by reason of intentional  
3           conduct that occurs on or after November 1, 1995, and that is prohibited under s.  
4           943.01, 943.20, 943.21, 943.24, 943.26, 943.34, 943.395, 943.41, 943.50 ~~or~~, 943.61, or  
5           943.76, or by reason of intentional conduct that occurs on or after April 28, 1998, and  
6           that is prohibited under s. 943.201, has a cause of action against the person who  
7           caused the damage or loss.

8           **SECTION 3871u.** 895.80 (3m) of the statutes is created to read:

9           895.80 (3m) (a) In this subsection, “plant” includes the material taken,  
10          extracted, or harvested from a plant, or a seed or other plant material that is being  
11          used or that will be used to grow or develop a plant.

12          (b) If the violation of s. 943.01 (1) involves the circumstances under s. 943.01  
13          (2d), the court may award a prevailing plaintiff the reasonable attorney fees incurred  
14          in litigating the action and, when determining the damages recoverable under sub.  
15          (3), shall include the market value of the plant before the damage or destruction, and  
16          the costs of production, research, testing, replacement, and plant development  
17          directly related to the plant that has been damaged or destroyed.

18          **SECTION 3871w.** 895.80 (5) of the statutes is amended to read:

19          895.80 (5) No person may bring a cause of action under both this section and  
20          s. 95.195, 943.212, 943.245 or 943.51 regarding the same incident or occurrence. If  
21          the plaintiff has a cause of action under both this section and s. 943.212, 943.245 or  
22          943.51 regarding the same incident or occurrence, the plaintiff may choose which  
23          action to bring. If the plaintiff has a cause of action under both this section and s.  
24          95.195, the plaintiff must bring the action under s. 95.195.

25          **SECTION 3871m.** 898.14 of the statutes is repealed.

1           **SECTION 3871m.** 895.81 of the statutes is created to read:

2           **895.81 Civil action for domestic abuse or sexual assault.** (1) Any person  
3 who suffers damages as the result of intentional conduct that is prohibited under s.  
4 940.225, or as the result of domestic abuse, as defined in s. 813.12 (1) (a), has a cause  
5 of action against the person who caused the damage.

6           (2) The burden of proof in a civil action under sub. (1) is with the person who  
7 suffers damage or loss to prove his or her case by a preponderance of the credible  
8 evidence.

9           (3) If the plaintiff prevails in a civil action under sub. (1), he or she may recover  
10 all of the following:

11           (a) Treble damages.

12           (b) All costs of investigation and litigation that were reasonably incurred.

13           (4) A person may bring a civil action under sub. (1) regardless of whether there  
14 has been a criminal action related to the loss or damage under sub. (1) and regardless  
15 of the outcome of any such criminal action.

16           **SECTION 3866d.** 895.52 (2) (a) 2. of the statutes is amended to read:

17           895.52 (2) (a) 2. A duty to inspect the property, except as provided under s. ss.  
18 23.115 (2) and 28.045 (3).

19           **SECTION 3866h.** 895.52 (3) (b) of the statutes is amended to read:

20           895.52 (3) (b) A death or injury caused by a malicious act or by a malicious  
21 failure to warn against an unsafe condition of which an officer, employee or agent  
22 knew, which occurs on property designated by the department of natural resources  
23 under s. 23.115, designated by the department of forestry under s. 28.045 or  
24 designated by another state agency for a recreational activity.

25           **SECTION 3866p.** 895.53 (1) (am) of the statutes is created to read:

1 895.53 (1) (am) "State forest ranger" means a person appointed as a state forest  
2 ranger by the department of forestry under s. 28.92.

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4 SECTION 3866t. 895.53 (2) of the statutes is amended to read:

5 895.53 (2) Any person withdrawing blood at the request of a traffic officer, law  
6 enforcement officer, state forest ranger, or conservation warden for the purpose of  
7 determining the presence or quantity of alcohol, controlled substances, controlled  
8 substance analogs or any combination of alcohol, controlled substances and  
9 controlled substance analogs is immune from any civil or criminal liability for the  
10 act, except for civil liability for negligence in the performance of the act.

11 SECTION 3872. 905.015 of the statutes is amended to read:

12 **905.015 Interpreters for persons with language difficulties, limited**  
13 **English proficiency, or hearing or speaking impairments.** If an interpreter  
14 for a person with a language difficulty, limited English proficiency, as defined in s.  
15 885.38 (1) (b), or a hearing or speaking impairment interprets as an aid to a  
16 communication which is privileged by statute, rules adopted by the supreme court,  
17 or the U.S. or state constitution, the interpreter may be prevented from disclosing  
18 the communication by any person who has a right to claim the privilege. The  
19 interpreter may claim the privilege but only on behalf of the person who has the  
20 right. The authority of the interpreter to do so is presumed in the absence of evidence  
21 to the contrary.

22 SECTION 3872v. 908.03 (6m) (b) (intro.) of the statutes is amended to read:

23 908.03 (6m) (b) *Authentication witness unnecessary.* (intro.) ~~A~~ The testimony  
24 of a custodian or other qualified witness required by sub. (6) is unnecessary if the

1 party who intends to offer health care provider records into evidence at a trial or  
2 hearing does one of the following at least 40 20 days before the trial or hearing:

3 **SECTION 3872x.** ✓ 908.03 (6m) (d) of the statutes is amended to read:

4 908.03 (6m) (d) *Fees.* The Before January 1, 2003, the department of health  
5 and family services shall, by rule, prescribe uniform fees that are based on an  
6 approximation of ~~the~~ actual costs. The fees, plus applicable tax, are the maximum  
7 amount that a health care provider may charge ~~under par. (e) 3.~~ for certified duplicate  
8 patient health care records. The rule shall also allow the health care provider to  
9 charge for actual postage or other actual delivery costs. The commencement of an  
10 action is not a prerequisite for the application of this paragraph.

11 **SECTION 3872y.** ✓ 908.03 (6m) (d) of the statutes, as affected by 2001 Wisconsin  
12 Act .... (this act), is amended to read:

13 908.03 (6m) (d) *Fees.* ~~Before January 1, 2003~~ After December 31, 2002, the  
14 department of health and family services shall, by rule, prescribe uniform fees that  
15 are based on an approximation of actual costs. The fees, plus applicable tax, are the  
16 maximum amount that a health care provider may charge for certified duplicate  
17 patient health care records. The rule shall also allow the health care provider to  
18 charge for actual postage or other actual delivery costs. ~~The commencement of an~~  
19 ~~action is not a prerequisite for the application of this paragraph~~ For duplicate patient  
20 health care records and duplicate X-ray reports or the referral of X-rays to another  
21 health care provider that are requested before commencement of an action, s. 146.83  
22 (1) (b) and (c) and (3m) applies.

23



24 **SECTION 3878e.** ✓ 938.17 (2) (h) 1. of the statutes is amended to read:

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1           938.17 (2) (h) 1. If a juvenile who has violated a municipal ordinance, other  
2 than an ordinance enacted under s. 118.163 (1m) or (2), violates a condition of his or  
3 her dispositional order, the municipal court may impose on the juvenile any of the  
4 sanctions specified in s. 938.355 (6) (d) 2. to 4. 5. that are authorized under par. (cm)  
5 except for monitoring by an electronic monitoring system or may petition the court  
6 assigned to exercise jurisdiction under this chapter and ch. 48 to impose on the  
7 juvenile the sanction specified in s. 938.355 (6) (d) 1. or home detention with  
8 monitoring by an electronic monitoring system as specified in s. 938.355 (6) (d) 3., if  
9 authorized under par. (cm), if at the time of judgment the court explained the  
10 conditions to the juvenile and informed the juvenile of the possible sanctions under  
11 s. 938.355 (6) (d) that are authorized under par. (cm) for a violation or if before the  
12 violation the juvenile has acknowledged in writing that he or she has read, or has had  
13 read to him or her, those conditions and possible sanctions and that he or she  
14 understands those conditions and possible sanctions.

15           **SECTION 3878.** 938.17 (2) (d) of the statutes is amended to read:

16           938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal  
17 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that  
18 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)  
19 or 961.575 (2), the court shall enter any of the dispositional orders permitted under  
20 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture  
21 imposed by the municipal court, the court may not impose a jail sentence but may  
22 suspend any license issued under ch. 29 for not less than 30 days nor more than 5  
23 years, or, ~~unless the forfeiture was imposed for violating an ordinance unrelated to~~  
24 ~~the juvenile's operation of a motor vehicle, may suspend the juvenile's operating~~  
25 privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years

1 more than 2 years. If a court suspends a license or privilege under this section, the  
2 court shall immediately take possession of the applicable license and forward it to  
3 the department that issued the license, together with the notice of suspension clearly  
4 stating that the suspension is for failure to pay a forfeiture imposed by the court. If  
5 the forfeiture is paid during the period of suspension, the court shall immediately  
6 notify the department, which shall thereupon return the license to the person.

7 **SECTION 3876x.** 938.02 (15) of the statutes is amended to read:

8 938.02 (15) “Relative” means a parent, grandparent, greatgrandparent,  
9 stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt, whether by  
10 blood, marriage, or adoption.

11 **SECTION 3879d.** 938.183 (3) of the statutes is amended to read:

12 938.183 (3) When a juvenile who is subject to a criminal penalty under sub.  
13 (1m) or (2) attains the age of 17 years, the department may place the juvenile in a  
14 state prison named in s. 302.01, except that the department may not place any person  
15 under the age of 18 years in the correctional institution authorized in s. 301.16 (1n).  
16 If a juvenile who is subject to a criminal penalty under sub. (1m) or (2) is 15 years  
17 of age or over, the department may transfer the juvenile to the Racine youthful  
18 offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). A  
19 juvenile who is subject to a criminal penalty under sub. (1m) or (2) for an act  
20 committed before December 31, 1999, is eligible for parole under s. 304.06.

21 **SECTION 3881.** 938.19 (1) (d) 6. of the statutes is amended to read:

22 938.19 (1) (d) 6. The juvenile has violated ~~the terms~~ a condition of  
23 court-ordered supervision or aftercare supervision administered by the department  
24 or a county department, a condition of the juvenile’s placement in a Type 2 secured

1 correctional facility or a Type 2 child caring institution, or a condition of the juvenile's  
2 participation in the intensive supervision program under s. 938.534.

3 **SECTION 3882.** 938.20 (2) (cm) of the statutes is amended to read:

4 938.20 (2) (cm) If the juvenile has violated ~~the terms~~ a condition of aftercare  
5 supervision administered by the department or a county department, a condition of  
6 the juvenile's placement in a Type 2 secured correctional facility or a Type 2 child  
7 caring institution, or a condition of the juvenile's participation in the intensive  
8 supervision program under s. 938.534, the person who took the juvenile into custody  
9 may release the juvenile to the department or county department, whichever has  
10 aftercare supervision over the juvenile.

11 **SECTION 3883.** 938.20 (7) (c) 1m. of the statutes is amended to read:

12 938.20 (7) (c) 1m. In the case of a juvenile who has violated ~~the terms~~ a  
13 condition of aftercare supervision administered by the department or a county  
14 department, a condition of the juvenile's placement in a Type 2 secured correctional  
15 facility or a Type 2 child caring institution, or a condition of the juvenile's  
16 participation in the intensive supervision program under s. 938.534, to the  
17 department or county department, whichever has aftercare supervision of the  
18 juvenile.

19 **SECTION 3884.** 938.20 (8) of the statutes is amended to read:

20 938.20 (8) If a juvenile is held in custody, the intake worker shall notify the  
21 juvenile's parent, guardian, and legal custodian of the reasons for holding the  
22 juvenile in custody and of the juvenile's whereabouts unless there is reason to believe  
23 that notice would present imminent danger to the juvenile. If a juvenile who has  
24 violated ~~the terms~~ a condition of aftercare supervision administered by the  
25 department or a county department, a condition of the juvenile's placement in a Type

1 2 secured correctional facility or a Type 2 child caring institution, or a condition of  
2 the juvenile's participation in the intensive supervision program under s. 938.534 is  
3 held in custody, the intake worker shall also notify the department or county  
4 department, whichever has supervision over the juvenile, of the reasons for holding  
5 the juvenile in custody, of the juvenile's whereabouts, and of the time and place of the  
6 detention hearing required under s. 938.21. The parent, guardian, and legal  
7 custodian shall also be notified of the time and place of the detention hearing  
8 required under s. 938.21, the nature and possible consequences of that hearing, and  
9 the right to present and cross-examine witnesses at the hearing. If the parent,  
10 guardian, or legal custodian is not immediately available, the intake worker or  
11 another person designated by the court shall provide notice as soon as possible.  
12 When the juvenile is alleged to have committed a delinquent act, the juvenile shall  
13 receive the same notice about the detention hearing as the parent, guardian, or legal  
14 custodian. The intake worker shall notify both the juvenile and the juvenile's parent,  
15 guardian, or legal custodian.

16 **SECTION 3885.** 938.205 (1) (c) of the statutes is amended to read:

17 938.205 (1) (c) That the juvenile will run away or be taken away so as to be  
18 unavailable for proceedings of the court or its officers ~~or~~, proceedings of the division  
19 of hearings and appeals in the department of administration for revocation of  
20 aftercare supervision, or action by the department or county department relating to  
21 a violation of a condition of the juvenile's placement in a Type 2 secured correctional  
22 facility or a Type 2 child caring institution or a condition of the juvenile's  
23 participation in the intensive supervision program under s. 938.534.

24 **SECTION 3886.** 938.208 (1) (intro.) of the statutes is amended to read:



1           938.208 (1) (intro.) Probable cause exists to believe that the juvenile has  
2 committed a delinquent act and either presents a substantial risk of physical harm  
3 to another person or a substantial risk of running away so as to be unavailable for  
4 a court hearing ~~or, a revocation hearing for juveniles on~~ of aftercare supervision  
5 hearing, or action by the department or county department relating to a violation of  
6 a condition of the juvenile's placement in a Type 2 secured correctional facility or a  
7 Type 2 child caring institution or a condition of the juvenile's participation in the  
8 intensive supervision program under s. 938.534. For juveniles who have been  
9 adjudged delinquent, the delinquent act referred to in this section may be the act for  
10 which the juvenile was adjudged delinquent. If the intake worker determines that  
11 any of the following conditions applies, the juvenile is considered to present a  
12 substantial risk of physical harm to another person:

13           **SECTION 3889e.** 938.245 (2) (a) 9m. of the statutes is created to read:

14           938.245 (2) (a) 9m. That the juvenile report to a youth report center after  
15 school, in the evening, on weekends, on other nonschool days, or at any other time  
16 that the juvenile is not under immediate adult supervision, for participation in the  
17 social, behavioral, academic, community service, and other programming of the  
18 center. Section 938.34 (5g) applies to any community service work performed by a  
19 juvenile under this subdivision.

20           **SECTION 3889g.** 938.245 (5) of the statutes is amended to read:

21           938.245 (5) A deferred prosecution agreement ~~under sub. (2) (a) 1. to 8., (2g)~~  
22 ~~or (2v).~~ may be terminated upon the request of the juvenile, parent, guardian, or legal  
23 custodian.

24           **SECTION 3887.** 938.21 (5) (b) of the statutes is renumbered 938.21 (5) (b) (intro.)  
25 and amended to read:

1           938.21 (5) (b) (intro.) An order relating to a juvenile held in custody outside of  
2 his or her home shall also ~~describe~~ include all of the following:

3           1. A description of any efforts that were made to permit the juvenile to remain  
4 at home and the services that are needed to ensure the juvenile's well-being, to  
5 enable the juvenile to return safely to his or her home, and to involve the parents in  
6 planning for the juvenile.

7           **SECTION 3888.** 938.21 (5) (b) 2. of the statutes is created to read:

8           938.21 (5) (b) 2. If the juvenile is held in custody outside the home in a  
9 placement recommended by the intake worker, a statement that the court approves  
10 the placement recommended by the intake worker or, if the juvenile is placed outside  
11 the home in a placement other than a placement recommended by the intake worker,  
12 a statement that the court has given bona fide consideration to the recommendations  
13 made by the intake worker and all parties relating to the placement of the juvenile.

14           **SECTION 3889p.** 938.293 (2) of the statutes is amended to read:

15           938.293 (2) All records relating to a juvenile which are relevant to the subject  
16 matter of a proceeding under this chapter shall be open to inspection by a guardian  
17 ad litem or counsel for any party, upon demand and upon presentation of releases  
18 where necessary, at least 48 hours before the proceeding. Persons entitled to inspect  
19 the records may obtain copies of the records with the permission of the custodian of  
20 the records or with the permission of the court. The court may instruct counsel not  
21 to disclose specified items in the materials to the juvenile or the parent if the court  
22 reasonably believes that the disclosure would be harmful to the interests of the  
23 juvenile. ~~Sections~~ Section 971.23 and 972.11(5) shall be applicable in all delinquency  
24 proceedings under this chapter, except that the court shall establish the timetable  
25 for the disclosures required under ss. s. 971.23 (1), (2m) and, (8), and 972.11 (5) (9).

1           **SECTION 3889r.** 938.299 (4) (a) of the statutes is amended to read:

2           938.299 (4) (a) Chapters 901 to 911 govern the presentation of evidence at the  
3 fact-finding hearing under s. 938.31. ~~Section 972.11 (5) applies at fact-finding~~  
4 ~~proceedings in all delinquency proceedings under this chapter.~~

5           **SECTION 3890.** 938.315 (1) (h) of the statutes is created to read:

6           938.315 (1) (h) Any period of delay resulting from the need to appoint a  
7 qualified interpreter.

8           **SECTION 3890e.** 938.32 (1) (a) of the statutes is amended to read:

9           938.32 (1) (a) At any time after the filing of a petition for a proceeding relating  
10 to s. 938.12 or 938.13 and before the entry of judgment, the judge or juvenile court  
11 commissioner may suspend the proceedings and place the juvenile under  
12 supervision in the juvenile's own home or present placement. The court may  
13 establish terms and conditions applicable to the parent, guardian, or legal custodian,  
14 and to the juvenile, including any of the conditions specified in subs. (1d), (1g), (1m),  
15 (1p), (1t), (1v), and (1x). The order under this section shall be known as a consent  
16 decree and must be agreed to by the juvenile; the parent, guardian, or legal  
17 custodian; and the person filing the petition under s. 938.25. If the consent decree  
18 includes any conditions specified in sub. (1g), the consent decree shall include  
19 provisions for payment of the services as specified in s. 938.361. The consent decree  
20 shall be reduced to writing and given to the parties.

21           **SECTION 3890g.** 938.32 (1p) of the statutes is created to read:

22           938.32 (1p) The judge or juvenile court commissioner may establish as a  
23 condition under sub. (1) that the juvenile report to a youth report center after school,  
24 in the evening, on weekends, on other nonschool days, or at any other time that the  
25 juvenile is not under immediate adult supervision, for participation in the social,

1 behavioral, academic, community service, and other programming of the center.  
2 Section 938.34 (5g) applies to any community service work performed by a juvenile  
3 under this subsection.

4 **SECTION 3893t.** 938.34 (7j) of the statutes is created to read:

5 938.34 (7j) YOUTH REPORT CENTER. Order the juvenile to report to a youth report  
6 center after school, in the evening, on weekends, on other nonschool days, or at any  
7 other time that the juvenile is not under immediate adult supervision, for  
8 participation in the social, behavioral, academic, community service, and other  
9 programming of the center. Subsection (5g) applies to any community service work  
10 performed by a juvenile under this subsection.

11 **SECTION 3894s.** 938.342 (1d) (c) of the statutes is created to read:

12 938.342 (1d) (c) Order the person to report to a youth report center after school,  
13 in the evening, on weekends, on other nonschool days, or at any other time that the  
14 person is not under immediate adult supervision, for participation in the social,  
15 behavioral, academic, community service, and other programming of the center.  
16 Section 938.34 (5g) applies to any community service work performed by a person  
17 under this paragraph.

18 **SECTION 3894t.** 938.342 (1g) (k) of the statutes is created to read:

19 938.342 (1g) (k) Order the person to report to a youth report center after school,  
20 in the evening, on weekends, on other nonschool days, or at any other time that the  
21 juvenile is not under immediate adult supervision, for participation in the social,  
22 behavioral, academic, community service, and other programming of the center.  
23 Section 938.34 (5g) applies to any community service work performed by a person  
24 under this paragraph.

25 **SECTION 3895f.** 938.343 (3m) of the statutes is created to read:

1           938.343 (3m) Order the juvenile to report to a youth report center after school,  
2 in the evening, on weekends, on other nonschool days, or at any other time that the  
3 juvenile is not under immediate adult supervision, for participation in the social,  
4 behavioral, academic, community service, and other programming of the center.  
5 Section 938.34 (5g) applies to any community service work performed by a juvenile  
6 under this subsection.

7           **SECTION 3895j.** 938.344 (2g) (a) 5. of the statutes is created to read:

8           938.344 (2g) (a) 5. Report to a youth report center after school, in the evening,  
9 on weekends, on other nonschool days, or at any other time that the juvenile is not  
10 under immediate adult supervision, for participation in the social, behavioral,  
11 academic, community service, and other programming of the center. Section 938.34  
12 (5g) applies to any community service work performed by a juvenile under this  
13 subdivision.

14           **SECTION 3897v.** 938.355 (6) (d) 5. of the statutes is created to read:

15           938.355 (6) (d) 5. Participation after school, in the evening, on weekends, on  
16 other nonschool days, or at any other time that the juvenile is not under immediate  
17 adult supervision, in the social, behavioral, academic, community service, and other  
18 programming of a youth report center. Subdivision 4. and s. 938.34 (5g) apply to any  
19 community service work performed by a juvenile under this subdivision.

20           **SECTION 3894.** 938.34 (8) of the statutes, as affected by 1999 Wisconsin Act 185,  
21 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, ~~unless the forfeiture was imposed for~~  
8 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may~~  
9 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more  
10 than 2 years. If the court suspends any license under this subsection, the clerk of the  
11 court shall immediately take possession of the suspended license and forward it to  
12 the department which issued the license, together with a notice of suspension clearly  
13 stating that the suspension is for failure to pay a forfeiture imposed by the court. If  
14 the forfeiture is paid during the period of suspension, the suspension shall be reduced  
15 to the time period which has already elapsed and the court shall immediately notify  
16 the department which shall then return the license to the juvenile. Any recovery  
17 under this subsection shall be reduced by the amount recovered as a forfeiture for  
18 the same act under s. 938.45 (1r) (b).

19 **SECTION 3895.** 938.343 (2) of the statutes, as affected by 1999 Wisconsin Act  
20 185, is amended to read:

21 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may  
22 be imposed on an adult for committing that violation or, if the violation is only  
23 applicable to a person under 18 years of age, \$50. Any such order shall include a  
24 finding that the juvenile alone is financially able to pay and shall allow up to 12  
25 months for the payment. If a juvenile fails to pay the forfeiture, the court may

1 suspend any license issued under ch. 29 or, ~~unless the forfeiture was imposed for~~  
2 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may~~  
3 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less  
4 more than 2 years. The court shall immediately take possession of the suspended  
5 license and forward it to the department which issued the license, together with the  
6 notice of suspension clearly stating that the suspension is for failure to pay a  
7 forfeiture imposed by the court. If the forfeiture is paid during the period of  
8 suspension, the court shall immediately notify the department, which will thereupon  
9 return the license to the person. Any recovery under this subsection shall be reduced  
10 by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

11 **SECTION 3897.** 938.355 (2) (b) 6m. of the statutes is created to read:

12 938.355 (2) (b) 6m. If the juvenile is placed outside the home in a placement  
13 recommended by the agency designated under s. 938.33 (1), a statement that the  
14 court approves the placement recommended by the agency or, if the juvenile is placed  
15 outside the home in a placement other than a placement recommended by that  
16 agency, a statement that the court has given bona fide consideration to the  
17 recommendations made by the agency and all parties relating to the juvenile's  
18 placement.

19 **SECTION 3898.** 938.355 (6d) (a) 4. of the statutes is created to read:

20 938.355 (6d) (a) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile  
21 who has been adjudged delinquent and who has violated a condition specified in sub.  
22 (2) (b) 7. from being taken into and held in custody under ss. 938.19 to 938.21.

23 **SECTION 3899.** 938.355 (6d) (b) 4. of the statutes is created to read:

1           938.355 (6d) (b) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile  
2 who has violated a condition of aftercare supervision administered by a county  
3 department from being taken into and held in custody under ss. 938.19 to 938.21.

4           **SECTION 3900.** 938.355 (6d) (c) 4. of the statutes is created to read:

5           938.355 (6d) (c) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile  
6 who has been found to be in need of protection or services and who has violated a  
7 condition specified in sub. (2) (b) 7. from being taken into and held in custody under  
8 ss. 938.19 to 938.21.

9           **SECTION 3900k.** 938.355 (6m) (a) (intro.) of the statutes is amended to read:

10           938.355 (6m) (a) (intro.) If the court finds by a preponderance of the evidence  
11 that a juvenile who has been found to have violated a municipal ordinance enacted  
12 under s. 118.163 (2) or who has been found to be in need of protection or services  
13 under s. 938.13 (6) has violated a condition specified under sub. (2) (b) 7., the court  
14 may order as a sanction any combination of the sanctions specified in subds. 1g. to  
15 ~~3.~~ 4. and the dispositions specified in s. 938.342 (1g) (d) to (j) and (1m), regardless of  
16 whether the disposition was imposed in the order violated by the juvenile, if at the  
17 dispositional hearing under s. 938.335 the court explained those conditions to the  
18 juvenile and informed the juvenile of the possible sanctions under this paragraph for  
19 a violation or if before the violation the juvenile has acknowledged in writing that  
20 he or she has read, or has had read to him or her, those conditions and possible  
21 sanctions and that he or she understands those conditions and possible sanctions.  
22 The court may order as a sanction under this paragraph any of the following:

23           **SECTION 3900n.** 938.355 (6m) (a) 4. of the statutes is created to read:

24           938.355 (6m) (a) 4. Participation after school, in the evening, on weekends, on  
25 other nonschool days, or at any other time that the juvenile is not under immediate



1 adult supervision, in the social, behavioral, academic, community service, and other  
2 programming of a youth report center. Subdivision 2. and s. 938.34 (5g) apply to any  
3 community service work performed by a juvenile under this subdivision.

4 **SECTION 3900p.** 938.355 (6m) (ag) of the statutes is amended to read:

5 938.355 (6m) (ag) If the court finds by a preponderance of the evidence that a  
6 juvenile who has been found to have violated a municipal ordinance enacted under  
7 s. 118.163 (1m) has violated a condition specified under sub. (2) (b) 7., the court may  
8 order as a sanction any combination of the operating privilege suspension specified  
9 in par. (a) and the dispositions specified in s. 938.342 (1g) (b) to ~~(j)~~ (k) and (1m),  
10 regardless of whether the disposition was imposed in the order violated by the  
11 juvenile, if at the dispositional hearing under s. 938.335 the court explained those  
12 conditions to the juvenile and informed the juvenile of the possible sanctions under  
13 this paragraph for a violation or if before the violation the juvenile has acknowledged  
14 in writing that he or she has read, or has had read to him or her, those conditions and  
15 possible sanctions and that he or she understands those conditions and possible  
16 sanctions.

17 **SECTION 3901.** 938.357 (2v) of the statutes is created to read:

18 938.357 (2v) If a hearing is held under sub. (1) or (2m) and the change in  
19 placement would place the juvenile outside the home in a placement recommended  
20 by the person or agency primarily responsible for implementing the dispositional  
21 order, the change in placement order shall include a statement that the court  
22 approves the placement recommended by the person or agency or, if the juvenile is  
23 placed outside the home in a placement other than a placement recommended by that  
24 person or agency, a statement that the court has given bona fide consideration to the

1 recommendations made by that person or agency and all parties relating to the  
2 juvenile's placement.

3 **SECTION 3902.** 938.357 (4) (b) 2. of the statutes is amended to read:

4 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 child  
5 caring institution under s. 938.34 (4d) violates a condition of his or her placement in  
6 the Type 2 child caring institution, the child welfare agency operating the Type 2  
7 child caring institution shall notify the county department that has supervision over  
8 the juvenile and, if the county department agrees to a change in placement under this  
9 subdivision, the child welfare agency shall notify the department and the  
10 department, after consulting with the child welfare agency, may place the juvenile  
11 in a Type 1 secured correctional facility under the supervision of the department,  
12 without a hearing under sub. (1), for not more than 10 days. If a juvenile is placed  
13 in a Type 1 secured correctional facility under this subdivision, the county  
14 department that has supervision over the juvenile shall reimburse the child welfare  
15 agency operating the Type 2 child caring institution in which the juvenile was placed  
16 at the rate established under s. 46.037, and that child welfare agency shall reimburse  
17 the department at the rate specified in s. 301.26 (4) (d) ~~2, 3, or 4~~ or 3, whichever is  
18 applicable, for the cost of the juvenile's care while placed in a Type 1 secured  
19 correctional facility.

20 **SECTION 3908g.** 938.46 of the statutes is amended to read:

21 **938.46 New evidence.** A juvenile whose status is adjudicated by the court  
22 under this chapter, or the juvenile's parent, guardian or legal custodian, may at any  
23 time within one year after the entering of the court's order petition the court for a  
24 rehearing on the ground that new evidence has been discovered affecting the  
25 advisability of the court's original adjudication. Upon a showing that such evidence

1 does exist, the court shall order a new hearing. This section does not apply to motions  
2 made under s. 974.07 (2).

3 **SECTION 3910.** 938.532 (1) of the statutes is amended to read:

4 938.532 (1) PROGRAM. From the ~~appropriations~~ appropriation under s. 20.410  
5 (3) ~~(bb)~~ and (hm), the department shall provide a juvenile boot camp program for  
6 juveniles who have been placed under the supervision of the department under s.  
7 938.183, 938.34 (4h) or (4m), or 938.357 (4).

8 **SECTION 3914.** 938.533 (2) of the statutes is amended to read:

9 938.533 (2) CORRECTIVE SANCTIONS PROGRAM. From the appropriation under s.  
10 20.410 (3) (hr), the department shall provide a corrective sanctions program to serve  
11 an average daily population of 136 juveniles, or an average daily population of more  
12 than 136 juveniles if the appropriation under s. 20.410 (3) (hr) is supplemented  
13 under s. 13.101 or 16.515 and the positions for the program are increased under s.  
14 13.101 or 16.505 (2) or if funding and positions to serve more than that average daily  
15 population are otherwise available, in not less than 3 counties, including Milwaukee  
16 County. The office of juvenile offender review in the department shall evaluate and  
17 select for participation in the program juveniles who have been placed under the  
18 supervision of the department under s. 938.183, 938.34 (4h) or (4m), or 938.357 (4).  
19 The department shall place a program participant in the community, provide  
20 intensive surveillance of that participant, and provide an average of not more than  
21 \$3,000 per year per slot to purchase community-based treatment services for each  
22 participant. The department shall make the intensive surveillance required under  
23 this subsection available 24 hours a day, 7 days a week, and may purchase or provide  
24 electronic monitoring for the intensive surveillance of program participants. The  
25 department shall provide a report center in Milwaukee County to provide on-site

1 programming after school and in the evening for juveniles from Milwaukee County  
2 who are placed in the corrective sanctions program. A contact worker providing  
3 services under the program shall have a case load of approximately 10 juveniles and,  
4 during the initial phase of placement in the community under the program of a  
5 juvenile who is assigned to that contact worker, shall have not less than one  
6 face-to-face contact per day with that juvenile. Case management services under  
7 the program shall be provided by a corrective sanctions agent who shall have a case  
8 load of approximately 15 juveniles. The department shall promulgate rules to  
9 implement the program.

10 **SECTION 3915.** 938.533 (3) (a) of the statutes is amended to read:

11 938.533 (3) (a) A participant in the corrective sanctions program remains  
12 under the supervision of the department, remains subject to the rules and discipline  
13 of that department, and is considered to be in custody, as defined in s. 946.42 (1) (a).  
14 Notwithstanding ss. 938.19 to 938.21, if a juvenile violates a condition of that  
15 juvenile's participation in the corrective sanctions program the department may,  
16 without a hearing, take the juvenile into custody and place the juvenile in a secured  
17 detention facility or return the juvenile to placement in a Type 1 secured correctional  
18 facility or a secured child caring institution. This paragraph does not preclude a  
19 juvenile who has violated a condition of the juvenile's participation in the corrective  
20 sanctions program from being taken into and held in custody under ss. 938.19 to  
21 938.21.

22 **SECTION 3916.** 938.534 (1) (b) 3m. of the statutes is created to read:

23 938.534 (1) (b) 3m. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile  
24 who has violated a condition of the juvenile's participation in the program from being  
25 taken into and held in custody under ss. 938.19 to 938.21.

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2       **SECTION 3921d.** ✓ 938.538 (4) (a) of the statutes is amended to read:

3       938.538 (4) (a) A participant in the serious juvenile offender program is under  
4 the supervision and control of the department, is subject to the rules and discipline  
5 of the department and is considered to be in custody, as defined in s. 946.42 (1) (a).  
6 Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition of his or  
7 her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2  
8 secured correctional facility the department may, without a hearing, take the  
9 participant into custody and return him or her to placement in a Type 1 secured  
10 correctional facility, a secured child caring institution or, if the participant is 17 years  
11 of age or over, a Type 1 prison, as defined in s. 301.01 (5). Any intentional failure of  
12 a participant to remain within the extended limits of his or her placement while  
13 participating in the serious juvenile offender program or to return within the time  
14 prescribed by the administrator of the division of intensive sanctions in the  
15 department is considered an escape under s. 946.42 (3) (c). This paragraph does not  
16 preclude a juvenile who has violated a condition of the juvenile's participation in the  
17 program under sub. (3) (a) 2. to 9. from being taken into and held in custody under  
18 ss. 938.19 to 938.21.

19       **SECTION 3926.** 938.539 (3) of the statutes is amended to read:

20       938.539 (3) Notwithstanding ss. 938.19 to 938.21, if a juvenile placed in a  
21 Type 2 child caring institution under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2  
22 secured correctional facility under s. 938.357 (4) (a) or (c) violates a condition of his  
23 or her placement in the Type 2 child caring institution or Type 2 secured correctional  
24 facility, the juvenile may be placed in a Type 1 secured correctional facility as  
25 provided in s. 938.357 (4) (b). This subsection does not preclude a juvenile who has

1 violated a condition of the juvenile's placement in a Type 2 secured correctional  
2 facility or a Type 2 child caring institution from being taken into and held in custody  
3 under ss. 938.19 to 938.21.

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5 **SECTION 3934.** 939.74 (1) of the statutes is amended to read:

6 939.74 (1) Except as provided in ~~sub.~~ subs. (2), and (2d) and s. 946.88 (1),  
7 prosecution for a felony must be commenced within 6 years and prosecution for a  
8 misdemeanor or for adultery within 3 years after the commission thereof. Within the  
9 meaning of this section, a prosecution has commenced when a warrant or summons  
10 is issued, an indictment is found, or an information is filed.

11 **SECTION 3935.** 939.74 (2) (c) of the statutes is amended to read:

12 939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a),  
13 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.08, or 948.095 shall be commenced  
14 before the victim reaches the age of 31 years or be barred, except as provided in sub.  
15 (2d) (c).

16 **SECTION 3936c.** 939.74 (2d) of the statutes is created to read:

17 939.74 (2d) (a) In this subsection, "deoxyribonucleic acid profile" means an  
18 individual's patterned chemical structure of genetic information identified by  
19 analyzing biological material that contains the individual's deoxyribonucleic acid.

20 (b) If before the time limitation under sub. (1) expired, the state collected  
21 biological material that is evidence of the identity of the person who committed a  
22 violation of s. 940.225 (1) or (2), the state identified a deoxyribonucleic acid profile  
23 from the biological material, and comparisons of that deoxyribonucleic acid profile  
24 to deoxyribonucleic acid profiles of known persons did not result in a probable  
25 identification of the person who is the source of the biological material, the state may

1 commence prosecution of the person who is the source of the biological material for  
2 violation of s. 940.225 (1) or (2) within 12 months after comparison of the  
3 deoxyribonucleic acid profile relating to the violation results in a probable  
4 identification of the person.

5 (c) If before the time limitation under sub. (2) (c) expired, the state collected  
6 biological material that is evidence of the identity of the person who committed a  
7 violation of s. 948.02 (1) or (2) or 948.025, the state identified a deoxyribonucleic acid  
8 profile from the biological material, and comparisons of that deoxyribonucleic acid  
9 profile to deoxyribonucleic acid profiles of known persons did not result in a probable  
10 identification of the person who is the source of the biological material, the state may  
11 commence prosecution of the person who is the source of the biological material for  
12 violation of s. 948.02 (1) or (2) or 948.025 within 12 months after comparison of the  
13 deoxyribonucleic acid profile relating to the violation results in a probable  
14 identification of the person. ✓

15 **SECTION 3937j.** 940.09 (1d) of the statutes is renumbered 940.09 (1d) (b) and  
16 amended to read:

17 940.09 (1d) (b) If the person who committed an offense under sub. (1) (a), (b),  
18 (c), or (d) has 2 or more prior convictions, suspensions, or revocations, as counting  
19 convictions under sub. (1) and s. 940.25 in the person's lifetime, plus other  
20 convictions, suspensions, or revocations counted under s. 343.307 (1), the procedure  
21 under s. 346.65 (6) may be followed regarding the immobilization or the seizure and  
22 forfeiture of a motor vehicle owned by the person who committed the offense or the  
23 equipping of a motor vehicle owned by the person with an ignition interlock device.

24 **SECTION 3937k.** 940.09 (1d) (a) of the statutes is created to read:

1           940.09 (1d) (a) Notwithstanding par. (b), if the person who committed an  
2 offense under sub. (1) (a), (b), (c), or (d) has 2 or more convictions, suspensions, or  
3 revocations counted under s. 343.307 (1) within any 5-year period, the procedure  
4 under s. 343.301 shall be followed if the court enters an order regarding operating  
5 privilege restriction and the installation of an ignition interlock device or enters an  
6 order regarding immobilization.

7           **SECTION 3937m.** 940.09 (1d) (a) of the statutes, as created by 2001 Wisconsin  
8 Act .... (this act), is renumbered 940.09 (1d) (a) 2.

9           **SECTION 3937n.** 940.09 (1d) (a) 1. of the statutes is created to read:

10           940.09 (1d) (a) 1. Except as provided in subd. 2., if the person who committed  
11 an offense under sub. (1) (a), (b), (c), or (d) has 2 or more prior convictions,  
12 suspensions, or revocations, counting convictions under sub. (1) and s. 940.25 in the  
13 person's lifetime, plus other convictions, suspensions, or revocations counted under  
14 s. 343.307 (1), the procedure under s. 343.301 shall be followed if the court enters an  
15 order regarding operating privilege restriction or enters an order regarding  
16 immobilization.

17           **SECTION 3937p.** 940.09 (1d) (b) of the statutes, as affected by 2001 Wisconsin  
18 Act .... (this act), is amended to read:

19           940.09 (1d) (b) If the person who committed an offense under sub. (1) (a), (b),  
20 (c), or (d) has 2 or more prior convictions, suspensions, or revocations, counting  
21 convictions under sub. (1) and s. 940.25 in the person's lifetime, plus other  
22 convictions, suspensions, or revocations counted under s. 343.307 (1), the procedure  
23 under s. 346.65 (6) ~~may shall~~ be followed ~~regarding the immobilization or if the court~~  
24 orders the seizure and forfeiture of ~~a~~ the motor vehicle owned by the person ~~who~~



1 committed the offense or the equipping of a motor vehicle owned by the person with  
2 an ignition interlock device and used in the violation.

3 **SECTION 3938j.** 940.25 (1d) of the statutes is renumbered 940.25 (1d) (b) and  
4 amended to read:

5 940.25 (1d) (b) If the person who committed an offense under sub. (1) (a), (b),  
6 (c), or (d) has 2 or more prior convictions, suspensions, or revocations, as counting  
7 convictions under sub. (1) and s. 940.09 (1) in the person's lifetime, plus other  
8 convictions, suspensions, or revocations counted under s. 343.307 (1), the procedure  
9 under s. 346.65 (6) may be followed regarding the immobilization or the seizure and  
10 forfeiture of a motor vehicle owned by the person who committed the offense or the  
11 equipping of a motor vehicle owned by the person with an ignition interlock device.

12 **SECTION 3938k.** 940.25 (1d) (a) of the statutes is created to read:

13 940.25 (1d) (a) Notwithstanding par. (b), if the person who committed an  
14 offense under sub. (1) (a), (b), (c), or (d) has 2 or more convictions, suspensions, or  
15 revocations counted under s. 343.307 (1) within any 5-year period, the procedure  
16 under s. 343.301 shall be followed if the court enters an order regarding operating  
17 privilege restriction and the installation of an ignition interlock device or enters an  
18 order regarding immobilization.

19 **SECTION 3938m.** 940.25 (1d) (a) of the statutes, as created by 2001 Wisconsin  
20 Act ... (this act), is renumbered 940.25 (1d) (a) 2.

21 **SECTION 3938n.** 940.25 (1d) (a) 1. of the statutes is created to read:

22 940.25 (1d) (a) 1. Except as provided in subd. 2., if the person who committed  
23 an offense under sub. (1) (a), (b), (c), or (d) has 2 or more prior convictions,  
24 suspensions, or revocations, counting convictions under sub. (1) and s. 940.09 (1) in  
25 the person's lifetime, plus other convictions, suspensions, or revocations counted

1 under s. 343.307 (1), the procedure under s. 343.301 shall be followed if the court  
2 enters an order regarding operating privilege restriction or enters an order  
3 regarding immobilization.

4 **SECTION 3938p.** 940.25 (1d) (b) of the statutes, as affected by 2001 Wisconsin  
5 Act ... (this act), is amended to read:

6 940.25 (1d) (b) If the person who committed an offense under sub. (1) (a), (b),  
7 (c), or (d) has 2 or more prior convictions, suspensions, or revocations, counting  
8 convictions under sub. (1) and s. 940.09 (1) in the person's lifetime, plus other  
9 convictions, suspensions, or revocations counted under s. 343.307 (1), the procedure  
10 under s. 346.65 (6) ~~may shall~~ be followed regarding the immobilization or if the court  
11 orders the seizure and forfeiture of ~~a the~~ motor vehicle owned by the person ~~who~~  
12 ~~committed the offense or the equipping of a motor vehicle owned by the person with~~  
13 ~~an ignition interlock device and used in the violation.~~

14 **SECTION 3938r.** 942.06 (2m) (b) of the statutes is amended to read:

15 942.06 (2m) (b) An employee or agent of the department of health and family  
16 services who conducts a lie detector test of a person ~~under the rules promulgated~~  
17 ~~under s. 51.375.~~

18 **SECTION 3938s.** 942.06 (2q) (b) (intro.) of the statutes is amended to read:

19 942.06 (2q) (b) (intro.) ~~An employee or agent of the department of health and~~  
20 ~~family services who discloses, to any of the following, the fact that a person has had~~  
21 ~~a lie detector test under the rules promulgated under s. 51.375 or the results of such~~  
22 ~~a lie detector test:~~

23 **SECTION 3938t.** 942.06 (2q) (b) 1. of the statutes is amended to read: