

**2001 DRAFTING REQUEST**

**Bill**

Received: 09/20/2000

Received By: gibson

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Walker

This file may be shown to any legislator: NO

Drafter: gibson

May Contact:

Alt. Drafters:

Subject: Trade Regulation - other

Extra Copies: RLR

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**Pre Topic:**

DOA:..... Walker -

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**Topic:**

Consumer information assessments

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	gibson 09/26/2000	wjackson 10/04/2000	martykr 10/04/2000	_____	lrb docadmin 10/04/2000		S&L
/2	gibson 11/28/2000	hhagen 11/29/2000	rschluet 11/29/2000	_____	lrb docadmin 11/29/2000		S&L
/3	rkite 02/07/2001	wjackson 02/07/2001	kfollet 02/07/2001	_____	lrb docadmin 02/07/2001		S&L

FE Sent For:

<END>

**2001 DRAFTING REQUEST**

**Bill**

Received: **09/20/2000**

Received By: **gibsom**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Walker**

This file may be shown to any legislator: **NO**

Drafter: **gibsom**

May Contact:

Alt. Drafters:

Subject: **Trade Regulation - other**

Extra Copies: *RLR*

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**Topic:**

Consumer information assessments

**Instructions:**

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/2	gibsom 11/28/2000	hhagen 11/29/2000	rschluet 11/29/2000	_____	lrb_docadmin 11/29/2000		S&L

FE Sent For:

*13 WJ 2/17*

*KJ 2/17*

*KJ/JF 2/17*  
<END>

**2001 DRAFTING REQUEST**

**Bill**

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Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Walker**

This file may be shown to any legislator: **NO**

Drafter: **gibsom**

May Contact:

Alt. Drafters:

Subject: **Trade Regulation - other**

Extra Copies: **DATCP**

**Pre Topic:**

DOA:.....Walker -

**Topic:**

Consumer information assessments

**Instructions:**

See Attached

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/1	gibsom 09/26/2000	wjackson 10/04/2000	martykr 10/04/2000	_____	lrb_docadmin 10/04/2000		S&L
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<END>

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Bill

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Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Walker

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Drafter: gibsom

May Contact:

Alt. Drafters:

Subject: Trade Regulation - other

Extra Copies: DATCP

Pre Topic:

DOA:.....Walker -

Topic:

Consumer information assessments


Instructions:

See Attached

Drafting History:

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/1	gibsom 09/26/2000	wjackson 10/04/2000	martykr 10/04/2000		lrb_docadmin 10/04/2000		S&L

hmk 11/29/00  
12

  
11.29.00 Self 11.29.00

FE Sent For:

<END>

2001 DRAFTING REQUEST

Bill

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Received By: gibsom

Wanted: As time permits

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By/Representing: Walker

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Drafter: gibsom

May Contact:

Alt. Drafters:

Subject: Trade Regulation - other

Extra Copies: DATCP

Pre Topic:

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Topic:

Consumer information assessments

Instructions:

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Drafting History:

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/?	gibsom	1 wlj 10/4	10/4	Self 10/4			

FE Sent For:

<END>

### 3. Consumer Protection Investigation Funding (DIN 5420)

**Explanation:**

The department proposes to add funding for consumer protection investigation by assessing persons who violate consumer protection laws. Currently, under s. 100.261, Stats., whenever a court orders a defendant to pay a fine or forfeiture for violating state consumer protection laws under ch. 98 or ch. 100, Stats., the court may also order the defendant to pay a *consumer information assessment* equal to 15% of the fine or forfeiture.

The 15% *consumer information assessment* is deposited to the department's appropriation under s. 20.115(1)(jb), Stats., and is used to fund consumer information and education. If assessments exceed \$85,000 in any calendar year, the balance in excess of \$85,000 is lapsed to the general fund. The department may not spend more than \$75,000 from the appropriation in any fiscal year. The department proposes the following changes:

- Increase the assessment to 25% of the fine or forfeiture amount.
- Increase the maximum amount of assessments that may be deposited to the department's appropriation, in any fiscal year, to \$185,000.
- Authorize the department to spend, from available funds in the appropriation, up to \$175,000 in each fiscal year.
- Authorize the department to spend the funds for consumer protection information, education *and investigation* (not just information and education).

**Statutory Changes:**

SECTION \_\_\_\_ . 20.005(3)(schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

	<u>2001-02</u>	<u>2002-03</u>
20.115 Agriculture, trade and consumer protection, department of		
(1) FOOD SAFETY AND CONSUMER PROTECTION		
(jb) Consumer protection information, education and investigation	PR A \$175,000	\$175,000

SECTION \_\_\_. 20.115(1)(jb) of the statutes is amended to read:

20.115(1)(jb) *Consumer ~~information and education~~ protection*. The amounts in the schedule for consumer protection information ~~and~~<sup>2</sup>, education, and investigation. All moneys received under s. ~~20.261~~<sup>100</sup>(3)(b) shall be credited to this appropriation account.

subject to

SECTION \_\_\_. 100.261 of the statutes is amended to read:

**100.261 Consumer ~~information~~ protection assessment.** (1) If a court imposes a fine or forfeiture for a violation of this chapter, ch. 98, a rule ~~promulgated~~ or order issued under this chapter or ch. 98, or an ordinance enacted under this chapter or ch. 98, the court shall also impose a consumer ~~information~~ protection assessment in an amount equal to ~~15%~~ <sup>25%</sup> of the fine or forfeiture. If multiple violations are involved, the court shall base the consumer ~~information~~ protection assessment upon the total of the fine or forfeiture amounts for all violations. If a fine or forfeiture is suspended in whole or in part, the court shall reduce the assessment in proportion to the suspension.

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

(3)(a) The clerk of court shall collect and transmit the consumer ~~information~~ protection assessment amounts to the county treasurer under s. 59.40(2)(m). The county treasurer shall then make payment to the state treasurer under s. 59.25(3)(f)2.

(b)1. The state treasurer shall deposit the consumer protection assessment amounts in the general fund and shall credit them to the appropriation account under s. 20.115(1)(jb), subject to the limit under subd. 2.

2. The amount credited to the appropriation account under s. 20.115(1)(jb) may not exceed ~~\$85,000~~ \$185,000 in any fiscal year.



State of Wisconsin  
2001 - 2002 LEGISLATURE

D-Note soon

LRB-0454/RMR  
MGG.....  
Wlj

DOA:.....Walker – Consumer information assessments

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

DO NOT  
GEN

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

*Analysis by the Legislative Reference Bureau*

**COURTS AND PROCEDURE** ✓

**OTHER COURTS AND PROCEDURE** ✓

\*

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

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

Current law requires that a court to impose an assessment equal to 15% of the fine or forfeiture if the court imposes a fine or forfeiture for a violation of any of these laws or local ordinances enacted pursuant to these laws. The bill raises the assessment to 25% of the fine or forfeiture. The assessments that are collected are deposited in an appropriation to DATCP to pay for providing consumers with



information and education. The amount deposited <sup>in</sup> to this appropriation in a fiscal year is limited to \$85,000, with the balance remaining in the general fund. This bill expands the purpose for which these assessments<sup>s</sup> may be used to include all other consumer protection activities conducted by DATCP and increases the limit for the deposit into the appropriation to \$185,000.

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

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

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

2           20.115 (1) (jb) *Consumer protection, information, and education.* The amounts  
3 in the schedule for consumer protection and consumer information and education.  
4 All moneys received under s. 100.261 (3) (b) shall be credited to this appropriation  
5 account, subject to the limit under s. 100.261 3 (c).<sup>1</sup>

History: 1971 c. 125, 215; 1973 c. 90, 299, 333; 1975 c. 39 ss. 78m, 79, 79m, 79n, 732 (1); 1975 c. 224; 1975 c. 394 ss. 1, 27; 1977 c. 29 ss. 112 to 115v, 1650m (1), (4), 1654 (1); 1977 c. 87, 106, 181, 418; 1979 c. 34, 129, 221, 289, 335; 1981 c. 20, 66, 93, 283, 346, 357; 1983 a. 27, 132, 368; 1983 a. 410 ss. 5, 2202 (2); 1985 a. 7, 8, 29, 138, 153, 313; 1987 a. 27, 281, 354; 1987 a. 399 ss. 34 to 38, 38u; 1987 a. 403 s. 256; 1989 a. 31, 219, 227, 282, 284, 335, 336; 1991 a. 39, 269, 309, 315; 1993 a. 16, 166, 243, 437, 456, 497; 1995 a. 27, 42, 79, 460; 1997 a. 27, 192, 252, 264; 1999 a. 5, 9, 55, 185.

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

7           59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be  
8 deposited in the state treasury, the amounts required by s. 757.05 for the penalty  
9 assessment surcharge, the amounts required by s. 165.755 for the crime laboratories  
10 and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the  
11 weapons assessment, the amounts required by s. 973.045 for the crime victim and  
12 witness assistance surcharge, the amounts required by s. 938.34 (8d) for the  
13 delinquency victim and witness assistance surcharge, the amounts required by s.  
14 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by  
15 s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts  
16 required by s. 100.261 for the consumer information protection assessment, the  
17 amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the

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

History: 1995 a. 201 ss. 266, 267, 269, 270, 284; 1995 a. 225 ss. 151 to 153; 1995 a. 227 s. 202; 1995 a. 269 s. 2; 1995 a. 408 s. 1; 1995 a. 448 s. 60; 1997 a. 27, 35, 135, 211, 237, 248; 1999 a. 9, 32, 74; 1999 a. 150 s. 672.

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

18 59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's  
19 percentage of the fees required to be paid on each civil action, criminal action and  
20 special proceeding filed during the preceding month and pay monthly to the  
21 treasurer for the use of the state the percentage of court imposed fines and forfeitures  
22 required by law to be deposited in the state treasury, the amounts required by s.  
23 757.05 for the penalty assessment surcharge, the amounts required by s. 165.755 for  
24 the crime laboratories and drug law enforcement assessment, the amounts required

1 by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for  
2 the crime victim and witness assistance surcharge, the amounts required by s.  
3 938.34 (8d) for the delinquency victim and witness assistance surcharge, the  
4 amounts required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the  
5 amounts required by s. 961.41 (5) for the drug abuse program improvement  
6 surcharge, the amounts required by s. 100.261 for the consumer information  
7 protection assessment, the amounts authorized by s. 971.37 (1m) (c) 1. or required  
8 by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by  
9 s. 253.06 (4) (c) for the enforcement assessment under the supplemental food  
10 program for women, infants and children, the amounts required by ss. 346.177,  
11 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the  
12 amounts required by s. 346.655 for the driver improvement surcharge, the amounts  
13 required by s. 102.85 (4) for the uninsured employer assessment, the amounts  
14 required by s. 299.93 for the environmental assessment, the amounts required under  
15 s. 29.983 for the wild animal protection assessment, the amounts required under s.  
16 29.987 (1) (d) for the natural resources assessment surcharge, the amounts required  
17 by s. 29.985 for the fishing shelter removal assessment, the amounts required by s.  
18 350.115 for the snowmobile registration restitution payment and the amounts  
19 required under s. 29.989 (1) (d) for the natural resources restitution payments. The  
20 payments shall be made by the 15th day of the month following receipt thereof.

History: 1995 a. 27 ss. 3290, 3291; 1995 a. 201 ss. 311 to 318, 320 to 322, 325; 1995 a. 224 ss. 11 to 13; 1995 a. 227 s. 203; 1995 a. 279 s. 8; 1995 a. 404 s. 185; 1995 a. 438; 1995 a. 448 s. 61; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 3, 27; 1997 a. 35 ss. 185, 186; 1997 a. 39, 135, 148, 191, 237, 248, 252; 1999 a. 9, 32; 1999 a. 150 s. 672.

21 **SECTION 4.** 66.0113 (1) (b) 7. c. of the statutes is amended to read:

22 66.0113 (1) (b) 7. c. That if the alleged violator makes a cash deposit and does  
23 not appear in court, he or she either will be deemed to have tendered a plea of no  
24 contest and submitted to a forfeiture, a penalty assessment imposed by s. 757.05, a

1 jail assessment imposed by s. 302.46 (1), a crime laboratories and drug law  
2 enforcement assessment imposed by s. 165.755, any applicable consumer  
3 ~~information~~ protection assessment imposed by s. 100.261 and any applicable  
4 domestic abuse assessment imposed by s. 973.055 (1) not to exceed the amount of the  
5 deposit or will be summoned into court to answer the complaint if the court does not  
6 accept the plea of no contest.

History: 1975 c. 201, 421; 1977 c. 29, 305; 1979 c. 32 s. 92 (8), (17); 1979 c. 151, 355; 1987 a. 27, 389; 1989 a. 107; 1991 a. 39, 40, 128, 189, 315; 1993 a. 16, 167; 1995 a. 349; 1997 a. 27; 1999 a. 9; 1999 a. 150 ss. 274 to 277; Stats. 1999 s. 66.0113.

7 **SECTION 5. 66.0113 (1) (b) 7. d.** of the statutes is amended to read:

8 66.0113 (1) (b) 7. d. That if the alleged violator does not make a cash deposit  
9 and does not appear in court at the time specified, the court may issue a summons  
10 or a warrant for the defendant's arrest or consider the nonappearance to be a plea  
11 of no contest and enter judgment under sub. (3) (d), or the municipality may  
12 commence an action against the alleged violator to collect the forfeiture, the penalty  
13 assessment imposed by s. 757.05, the jail assessment imposed by s. 302.46 (1), the  
14 crime laboratories and drug law enforcement assessment imposed by s. 165.755, any  
15 applicable consumer ~~information~~ protection assessment imposed by s. 100.261 and  
16 any applicable domestic abuse assessment imposed by s. 973.055 (1).

History: 1975 c. 201, 421; 1977 c. 29, 305; 1979 c. 32 s. 92 (8), (17); 1979 c. 151, 355; 1987 a. 27, 389; 1989 a. 107; 1991 a. 39, 40, 128, 189, 315; 1993 a. 16, 167; 1995 a. 349; 1997 a. 27; 1999 a. 9; 1999 a. 150 ss. 274 to 277; Stats. 1999 s. 66.0113.

17 **SECTION 6. 66.0113 (1) (c)** of the statutes is amended to read:

18 66.0113 (1) (c) An ordinance adopted under par. (a) shall contain a schedule of  
19 cash deposits that are to be required for the various ordinance violations, and for the  
20 penalty assessment imposed by s. 757.05, the jail assessment imposed by s. 302.46  
21 (1), the crime laboratories and drug law enforcement assessment imposed by s.  
22 165.755, any applicable consumer ~~information~~ protection assessment imposed by s.  
23 100.261 and any applicable domestic abuse assessment imposed by s. 973.055 (1), for

1 which a citation may be issued. The ordinance shall also specify the court, clerk of  
2 court or other official to whom cash deposits are to be made and shall require that  
3 receipts be given for cash deposits.

History: 1975 c. 201, 421; 1977 c. 29, 305; 1979 c. 32 s. 92 (8), (17); 1979 c. 151, 355; 1987 a. 27, 389; 1989 a. 107; 1991 a. 39, 40, 128, 189, 315; 1993 a. 16, 167; 1995 a. 349; 1997 a. 27; 1999 a. 9; 1999 a. 150 ss. 274 to 277; Stats. 1999 s. 66.0113.

4 **SECTION 7. 66.0113 (3) (a)** of the statutes is amended to read:

5 66.0113 (3) (a) The person named as the alleged violator in a citation may  
6 appear in court at the time specified in the citation or may mail or deliver personally  
7 a cash deposit in the amount, within the time and to the court, clerk of court or other  
8 official specified in the citation. If a person makes a cash deposit, the person may  
9 nevertheless appear in court at the time specified in the citation, but the cash deposit  
10 may be retained for application against any forfeiture, restitution, penalty  
11 assessment, jail assessment, crime laboratories and drug law enforcement  
12 assessment, consumer ~~information~~ protection assessment or domestic abuse  
13 assessment that may be imposed.

History: 1975 c. 201, 421; 1977 c. 29, 305; 1979 c. 32 s. 92 (8), (17); 1979 c. 151, 355; 1987 a. 27, 389; 1989 a. 107; 1991 a. 39, 40, 128, 189, 315; 1993 a. 16, 167; 1995 a. 349; 1997 a. 27; 1999 a. 9; 1999 a. 150 ss. 274 to 277; Stats. 1999 s. 66.0113.

14 **SECTION 8. 66.0113 (3) (b)** of the statutes is amended to read:

15 66.0113 (3) (b) If a person appears in court in response to a citation, the citation  
16 may be used as the initial pleading, unless the court directs that a formal complaint  
17 be made, and the appearance confers personal jurisdiction over the person. The  
18 person may plead guilty, no contest or not guilty. If the person pleads guilty or no  
19 contest, the court shall accept the plea, enter a judgment of guilty and impose a  
20 forfeiture, the penalty assessment imposed by s. 757.05, the jail assessment imposed  
21 by s. 302.46 (1), the crime laboratories and drug law enforcement assessment  
22 imposed by s. 165.755, any applicable consumer ~~information~~ protection assessment  
23 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.

1 973.055 (1). If the court finds that the violation meets the conditions in s. 800.093  
2 (1), the court may order restitution under s. 800.093. A plea of not guilty shall put  
3 all matters in the case at issue, and the matter shall be set for trial.

History: 1975 c. 201, 421; 1977 c. 29, 305; 1979 c. 32 s. 92 (8), (17); 1979 c. 151, 355; 1987 a. 27, 389; 1989 a. 107; 1991 a. 39, 40, 128, 189, 315; 1993 a. 16, 167; 1995 a. 349; 1997 a. 27; 1999 a. 9; 1999 a. 150 ss. 274 to 277; Stats. 1999 s. 66.0113.

4 **SECTION 9. 66.0113 (3) (c)** of the statutes is amended to read:

5 66.0113 (3) (c) If the alleged violator makes a cash deposit and fails to appear  
6 in court, the citation may serve as the initial pleading and the violator shall be  
7 considered to have tendered a plea of no contest and submitted to a forfeiture, the  
8 penalty assessment imposed by s. 757.05, the jail assessment imposed by s. 302.46  
9 (1), the crime laboratories and drug law enforcement assessment imposed by s.  
10 165.755, any applicable consumer information protection assessment imposed by s.  
11 100.261 and any applicable domestic abuse assessment imposed by s. 973.055 (1) not  
12 exceeding the amount of the deposit. The court may either accept the plea of no  
13 contest and enter judgment accordingly or reject the plea. If the court finds the  
14 violation meets the conditions in s. 800.093 (1), the court may summon the alleged  
15 violator into court to determine if restitution shall be ordered under s. 800.093. If  
16 the court accepts the plea of no contest, the defendant may move within 10 days after  
17 the date set for the appearance to withdraw the plea of no contest, open the judgment  
18 and enter a plea of not guilty if the defendant shows to the satisfaction of the court  
19 that the failure to appear was due to mistake, inadvertence, surprise or excusable  
20 neglect. If the plea of no contest is accepted and not subsequently changed to a plea  
21 of not guilty, no costs or fees may be taxed against the violator, but a penalty  
22 assessment, a jail assessment, a crime laboratories and drug law enforcement  
23 assessment and, if applicable, a consumer information protection assessment or a  
24 domestic abuse assessment shall be assessed. If the court rejects the plea of no

1 contest, an action for collection of the forfeiture, penalty assessment, jail assessment,  
2 crime laboratories and drug law enforcement assessment, any applicable consumer  
3 ~~information protection~~ assessment and any applicable domestic abuse assessment  
4 may be commenced. A city, village, town sanitary district or public inland lake  
5 protection and rehabilitation district may commence action under s. 66.0114 (1) and  
6 a county or town may commence action under s. 778.10. The citation may be used  
7 as the complaint in the action for the collection of the forfeiture, penalty assessment,  
8 jail assessment, crime laboratories and drug law enforcement assessment, any  
9 applicable consumer ~~information protection~~ assessment and any applicable  
10 domestic abuse assessment.

History: 1975 c. 201, 421; 1977 c. 29, 305; 1979 c. 32 s. 92 (8), (17); 1979 c. 151, 355; 1987 a. 27, 389; 1989 a. 107; 1991 a. 39, 40, 128, 189, 315; 1993 a. 16, 167; 1995 a. 349; 1997 a. 27; 1999 a. 9; 1999 a. 150 ss. 274 to 277; State. 1999 a. 66.0113.

11 **SECTION 10. 66.0113 (3) (d)** of the statutes is amended to read:

12 66.0113 (3) (d) If the alleged violator does not make a cash deposit and fails to  
13 appear in court at the time specified in the citation, the court may issue a summons  
14 or warrant for the defendant's arrest or consider the nonappearance to be a plea of  
15 no contest and enter judgment accordingly if service was completed as provided  
16 under par. (e) or the county, town, city, village, town sanitary district or public inland  
17 lake protection and rehabilitation district may commence an action for collection of  
18 the forfeiture, penalty assessment, jail assessment and crime laboratories and drug  
19 law enforcement assessment, any applicable consumer ~~information protection~~  
20 assessment and any applicable domestic abuse assessment. A city, village, town  
21 sanitary district or public inland lake protection and rehabilitation district may  
22 commence action under s. 66.0114 (1) and a county or town may commence action  
23 under s. 778.10. The citation may be used as the complaint in the action for the  
24 collection of the forfeiture, penalty assessment, jail assessment and crime

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

History: 1975 c. 201, 421; 1977 c. 29, 305; 1979 c. 32 s. 92 (8), (17); 1979 c. 151, 355; 1987 a. 27, 389; 1989 a. 107; 1991 a. 39, 40, 128, 189, 315; 1993 a. 16, 167; 1995 a. 349; 1997 a. 27; 1999 a. 9; 1999 a. 150 ss. 274 to 277; State 1999 c. 66.0/13.

14 **SECTION 11. 66.0114 (1) (b)** of the statutes is amended to read:

15 66.0114 (1) (b) Local ordinances, except as provided in this paragraph or ss.  
16 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any  
17 or all violations under those ordinances, may designate the manner in which the  
18 stipulation is to be made and may fix the penalty to be paid. When a person charged  
19 with a violation for which stipulation of guilt or no contest is authorized makes a  
20 timely stipulation, pays the required penalty and pays the penalty assessment  
21 imposed by s. 757.05, the jail assessment imposed by s. 302.46 (1), the crime  
22 laboratories and drug law enforcement assessment imposed by s. 165.755, any  
23 applicable consumer ~~information~~ protection assessment imposed by s. 100.261 and  
24 any applicable domestic abuse assessment imposed by s. 973.055 (1) to the



1 designated official, the person need not appear in court and no witness fees or other  
2 additional costs may be taxed unless the local ordinance so provides. A court  
3 appearance is required for a violation of a local ordinance in conformity with s. 346.63  
4 (1).

History: 1971 c. 278; 1973 c. 336; 1975 c. 231; 1977 c. 29, 182, 269, 272, 305, 418, 447, 449; 1979 c. 32 s. 92 (17); 1979 c. 110 s. 60 (13); 1979 c. 331; 1981 c. 20, 317;  
1983 a. 418 s. 8; 1987 a. 27, 389; Sup. Ct. Order, 146 Wis. 2d xiii (1988); 1989 a. 107; 1991 a. 39, 40, 189; 1993 a. 16, 167, 246, 491; 1995 a. 201, 349; 1997 a. 27; 1999 a. 9;  
1999 a. 150 ss. 278 to 283; Stats. 1999 s. 66.0114.

5 **SECTION 12. 66.0114 (1) (bm)** of the statutes is amended to read:

6 66.0114 (1) (bm) The official receiving the penalties shall remit all moneys  
7 collected to the treasurer of the city, village, town sanitary district or public inland  
8 lake protection and rehabilitation district in whose behalf the sum was paid, except  
9 that all jail assessments shall be remitted to the county treasurer, within 20 days  
10 after its receipt by the official. If timely remittance is not made, the treasurer may  
11 collect the payment of the officer by action, in the name of the office, and upon the  
12 official bond of the officer, with interest at the rate of 12% per year from the date on  
13 which it was due. In the case of the penalty assessment imposed by s. 757.05, the  
14 crime laboratories and drug law enforcement assessment imposed by s. 165.755, the  
15 driver improvement surcharge imposed by s. 346.655 (1), any applicable consumer  
16 information protection assessment imposed by s. 100.261 and any applicable  
17 domestic abuse assessment imposed by s. 973.055 (1), the treasurer of the city,  
18 village, town sanitary district or public inland lake protection and rehabilitation  
19 district shall remit to the state treasurer the amount required by law to be paid on  
20 the actions entered during the preceding month on or before the first day of the next  
21 succeeding month. The governing body of the city, village, town sanitary district or

1 public inland lake protection and rehabilitation district shall by ordinance designate  
2 the official to receive the penalties and the terms under which the official qualifies.

History: 1971 c. 278; 1973 c. 336; 1975 c. 231; 1977 c. 29, 182, 269, 272, 305, 418, 447, 449; 1979 c. 32 s. 92 (17); 1979 c. 110 s. 60 (13); 1979 c. 331; 1981 c. 20, 317; 1983 a. 418 s. 8; 1987 a. 27, 389; Sup. Ct. Order, 146 Wis. 2d xiii (1988); 1989 a. 107; 1991 a. 39, 40, 189; 1993 a. 16, 167, 246, 491; 1995 a. 201, 349; 1997 a. 27; 1999 a. 9; 1999 a. 150 ss. 278 to 283; Stats. 1999 s. 66.0114.

3 **SECTION 13.** 100.261 (title) of the statutes is amended to read:

4 **100.261 (title) Consumer information protection assessment.**

History: 1999 a. 9.

5 **SECTION 14.** 100.261 (1) of the statutes is amended to read:

6 100.261 (1) If a court imposes a fine or forfeiture for a violation of this chapter,  
7 ch. 98, a rule promulgated under this chapter or ch. 98 or an ordinance enacted under  
8 this chapter or ch. 98, the court shall also impose a consumer information protection  
9 assessment in an amount equal to ~~15%~~ 25% of the fine or forfeiture imposed. If  
10 multiple violations are involved, the court shall base the consumer information  
11 protection assessment upon the the total of the fine or forfeiture amounts for all  
12 violations. If a fine or forfeiture is suspended in whole or in part, the court shall  
13 reduce the assessment in proportion to the suspension.

History: 1999 a. 9.

14 **SECTION 15.** 100.261 (2) of the statutes is amended to read:

15 100.261 (2) If any deposit is made for a violation to which this section applies,  
16 the person making the deposit shall also deposit a sufficient amount to include the  
17 consumer information protection assessment required under this section. If the  
18 deposit is forfeited, the amount of the consumer information protection assessment  
19 shall be transmitted to the state treasurer under sub. (3). If the deposit is returned,  
20 the consumer information protection assessment shall also be returned.

History: 1999 a. 9.

21 **SECTION 16.** 100.261 (3) (a) of the statutes is amended to read:

22 100.261 (3) (a) The clerk of court shall collect and transmit the consumer  
23 information protection assessment amounts to the county treasurer under s. 59.40

1 (2) (m). The county treasurer shall then make payment to the state treasurer under  
2 s. 59.25 (3) (f) 2.

3 History: 1999 a. 9.

3 **SECTION 17.** 100.261 (3) (b) 1. of the statutes is renumbered 100.261 (3) (b)  
4 amended to read:

5 100.261 (3) (b) The state treasurer shall deposit the consumer protection  
6 assessment amounts in the general fund and shall credit them to the appropriation  
7 account under s. 20.115 (1) (jb), subject to the limit under ~~subd. 2~~ par. (c).

8 History: 1999 a. 9.

8 **SECTION 18.** 100.261 (3) (b) 2. of the statutes is renumbered 100.261 (3) (c) and  
9 amended to read:

10 100.261 (3) (c) The amount credited to the appropriation account under s.  
11 20.115 (1) (jb) may not exceed ~~\$85,000~~ \$185,000 in each fiscal year.

12 History: 1999 a. 9.

12 **SECTION 19.** 778.02 of the statutes is amended to read:

13 **778.02 Action in name of state; complaint; attachment.** Every such  
14 forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to  
15 allege in the complaint that the defendant is indebted to the plaintiff in the amount  
16 of the forfeiture claimed, according to the provisions of the statute that imposes it,  
17 specifying the statute and for the penalty assessment imposed by s. 757.05, the jail  
18 assessment imposed by s. 302.46 (1), the crime laboratorics and drug law  
19 enforcement assessment imposed by s. 165.755, the enforcement assessment  
20 imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer ~~information~~  
21 protection assessment imposed by s. 100.261 and any applicable domestic abuse  
22 assessment imposed by s. 973.055 (1). If the statute imposes a forfeiture for several  
23 offenses or delinquencies the complaint shall specify the particular offense or  
24 delinquency for which the action is brought, with a demand for judgment for the

1 amount of the forfeiture, penalty assessment, jail assessment, crime laboratories  
2 and drug law enforcement assessment, any applicable enforcement assessment, any  
3 applicable consumer ~~information~~ protection assessment and any applicable  
4 domestic abuse assessment. If the defendant is a nonresident of the state, an  
5 attachment may issue.

6 History: 1977 c. 29; 1979 c. 32 s. 56; Stats. 1979 s. 778.02; 1987 a. 27; 1989 a. 107; 1991 a. 39; 1993 a. 16; 1997 a. 27; 1999 a. 9.

**SECTION 20.** 778.03 of the statutes is amended to read:

7 **778.03 Complaint to recover forfeited goods.** In an action to recover  
8 property forfeited by any statute it shall be sufficient to allege in the complaint that  
9 the property has been forfeited, specifying the statute, with a demand of judgment  
10 for the delivery of the property, or the value thereof and for payment of the penalty  
11 assessment imposed by s. 757.05, the jail assessment imposed by s. 302.46 (1), the  
12 crime laboratories and drug law enforcement assessment imposed by s. 165.755, the  
13 enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable  
14 consumer ~~information~~ protection assessment imposed by s. 100.261 and any  
15 applicable domestic abuse assessment imposed by s. 973.055 (1).

16 History: 1977 c. 29; 1979 c. 32 s. 56; Stats. 1979 s. 778.03; 1987 a. 27; 1989 a. 107; 1991 a. 39; 1993 a. 16; 1997 a. 27; 1999 a. 9.

**SECTION 21.** 778.06 of the statutes is amended to read:

17 **778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a  
18 specific sum or when it is not less than one sum or more than another, the action may  
19 be brought for the highest sum specified and for the penalty assessment imposed by  
20 s. 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories and  
21 drug law enforcement assessment imposed by s. 165.755, the enforcement  
22 assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer  
23 ~~information~~ protection assessment imposed by s. 100.261 and any applicable  
24 domestic abuse assessment imposed by s. 973.055 (1); and judgment may be

1 rendered for such sum as the court or jury shall assess or determine to be  
2 proportionate to the offense.

3 History: 1977 c. 29; 1979 c. 32 s. 56; Stats. 1979 s. 778.06; 1987 a. 27; 1989 a. 107; 1991 a. 39; 1993 a. 16; 1997 a. 27; 1999 a. 9.

**SECTION 22.** 778.10 of the statutes is amended to read:

4 **778.10 Municipal forfeitures, how recovered.** All forfeitures imposed by  
5 any ordinance or regulation of any county, town, city or village, or of any other  
6 domestic corporation may be sued for and recovered, under this chapter, in the name  
7 of the county, town, city, village or corporation. It is sufficient to allege in the  
8 complaint that the defendant is indebted to the plaintiff in the amount of the  
9 forfeiture claimed, specifying the ordinance or regulation that imposes it and of the  
10 penalty assessment imposed by s. 757.05, the jail assessment imposed by s. 302.46  
11 (1), the crime laboratories and drug law enforcement assessment imposed by s.  
12 165.755, any applicable consumer information protection assessment imposed by s.  
13 100.261 and any applicable domestic abuse assessment imposed by s. 973.055 (1).  
14 If the ordinance or regulation imposes a penalty or forfeiture for several offenses or  
15 delinquencies the complaint shall specify the particular offenses or delinquency for  
16 which the action is brought, with a demand for judgment for the amount of the  
17 forfeiture, the penalty assessment imposed by s. 757.05, the jail assessment imposed  
18 by s. 302.46 (1), the crime laboratories and drug law enforcement assessment  
19 imposed by s. 165.755, any applicable consumer information protection assessment  
20 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.  
21 973.055 (1). All moneys collected on the judgment shall be paid to the treasurer of  
22 the county, town, city, village or corporation, except that all jail assessments shall be  
23 paid to the county treasurer.

24 History: 1977 c. 29; 1979 c. 32 s. 56; Stats. 1979 s. 778.10; 1987 a. 27; 1989 a. 107; 1991 a. 39; 1993 a. 16; 1997 a. 27; 1999 a. 9.

**SECTION 23.** 778.105 of the statutes is amended to read:

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

9 History: 1977 c. 29; 1979 c. 32 s. 56; Stats. 1979 s. 778.145; 1987 a. 27; 1989 a. 107; 1991 a. 39; 1993 a. 16; 1997 a. 27; 1999 a. 9.

9           **SECTION 24.** 778.13 of the statutes is amended to read:

10           **778.13 Forfeitures collected, to whom paid.** All moneys collected in favor  
11 of the state for forfeiture, except the portion to be paid to any person who sues with  
12 the state, shall be paid by the officer who collects the forfeiture to the treasurer of the  
13 county within which the forfeiture was incurred within 20 days after its receipt. In  
14 case of any failure in the payment the county treasurer may collect the payment of  
15 the officer by action, in the name of the office and upon the official bond of the officer,  
16 with interest at the rate of 12% per year from the time when it should have been paid.  
17 Penalty assessment payments shall be made as provided in s. 757.05. Jail  
18 assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories  
19 and drug law enforcement assessment payments shall be paid as provided in s.  
20 165.755. Domestic abuse assessments shall be made as provided in s. 973.055.  
21 Enforcement assessments shall be made as provided in s. 253.06 (4) (c). Consumer  
22 information protection assessment payments shall be made as provided in s.  
23 100.261.

24 History: 1977 c. 29; 1979 c. 32 s. 56; 1979 c. 110 s. 60 (1/3); Stats. 1979 s. 778.13; 1983 a. 192; 1987 a. 27; 1989 a. 107; 1991 a. 39; 1993 a. 16; 1997 a. 27; 1999 a. 9.

24           **SECTION 25.** 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.

History: 1977 c. 29; 1979 c. 32 s. 56; Stats. 1979 s. 778.18; 1987 a. 27; 1989 a. 107; 1991 a. 39; 1993 a. 16; 1997 a. 27; 1999 a. 9.

18           **SECTION 26.** 800.02 (2) (a) 8<sup>✓</sup> of the statutes is amended to read:

19           800.02 (2) (a) 8. Notice that if the defendant makes a deposit and fails to appear  
20 in court at the time fixed in the citation, the defendant is deemed to have tendered  
21 a plea of no contest and submits to a forfeiture, penalty assessment, jail assessment  
22 and crime laboratories and drug law enforcement assessment, any applicable  
23 consumer ~~information protection~~ assessment and any applicable domestic abuse  
24 assessment plus costs, including the fee prescribed in s. 814.65 (1), not to exceed the

1 amount of the deposit. The notice shall also state that the court may decide to  
2 summon the defendant rather than accept the deposit and plea.

History: 1977 c. 305; 1979 c. 22; 1979 c. 32 s. 68; 1979 c. 266; Stats. 1979 s. 800.02; 1981 c. 317; 1983 a. 535; 1987 a. 27; 1987 a. 200 s. 4; 1987 a. 389; 1989 a. 170; 1991 a. 39, 40; 1993 a. 16, 112, 320, 437; 1997 a. 27; 1999 a. 9.

3 **SECTION 27.** 800.02 (3) (a) 5. of the statutes is amended to read:

4 800.02 (3) (a) 5. A plain and concise statement of the violation identifying the  
5 event or occurrence from which the violation arose and showing that the plaintiff is  
6 entitled to relief, the ordinance, resolution or bylaw upon which the cause of action  
7 is based and a demand for a forfeiture, the amount of which shall not exceed the  
8 maximum set by the statute involved, the penalty assessment, the jail assessment,  
9 the crime laboratories and drug law enforcement assessment, any applicable  
10 consumer ~~information~~ protection assessment, any applicable domestic abuse  
11 assessment and such other relief that is sought by the plaintiff.

History: 1977 c. 305; 1979 c. 22; 1979 c. 32 s. 68; 1979 c. 266; Stats. 1979 s. 800.02; 1981 c. 317; 1983 a. 535; 1987 a. 27; 1987 a. 200 s. 4; 1987 a. 389; 1989 a. 170; 1991 a. 39, 40; 1993 a. 16, 112, 320, 437; 1997 a. 27; 1999 a. 9.

12 **SECTION 28.** 800.03 (3) of the statutes is amended to read:

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

History: 1977 c. 305; 1979 c. 32 ss. 68, 92 (17); Stats. 1979 s. 800.03; 1981 c. 184, 317; 1983 a. 535; 1985 a. 29; 1987 a. 27; 1989 a. 107, 170; 1991 a. 39, 40; 1993 a. 16, 437; 1997 a. 27; 1999 a. 9, 109.

22 **SECTION 29.** 800.04 (2) (b) of the statutes is amended to read:



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

History: 1977 c. 305; 1979 c. 32 ss. 68, 92 (17); 1979 c. 175 s. 50; Stats. 1979 s. 800.04; 1981 c. 183, 317; 1987 a. 27, 267, 389; 1989 a. 105, 107, 261; 1991 a. 39, 40, 189; 1993 a. 16; Sup. Ct. Order No. 95-10, 197 Wis. 2d xiii (1996); 1995 a. 274; 1997 a. 27; 1999 a. 9.

20           **SECTION 30.** 800.04 (2) (c) of the statutes is amended to read:

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

1 imposed by s. 165.755, any applicable consumer ~~information~~ protection assessment  
2 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.  
3 973.055 (1) plus costs, including the fee prescribed in s. 814.65 (1), not exceeding the  
4 amount of the deposit. The court may either accept the plea of no contest and enter  
5 judgment accordingly, or reject the plea and issue a summons. If the court finds that  
6 the violation meets the conditions in s. 800.093 (1), the court may summon the  
7 alleged violator into court to determine if restitution shall be ordered under s.  
8 800.093. If the defendant fails to appear in response to the summons, the court shall  
9 issue a warrant under s. 968.09. If the defendant has made a deposit but does appear,  
10 the court shall allow the defendant to withdraw the plea of no contest.

History: 1977 c. 305; 1979 c. 32 ss. 68, 92 (17); 1979 c. 175 s. 50; Stats. 1979 s. 800.04; 1981 c. 183, 317; 1987 a. 27, 267, 389; 1989 a. 105, 107, 261; 1991 a. 39, 40, 189; 1993 a. 16; Sup. Ct. Order No. 95-10, 197 Wis. 2d xiii (1996); 1995 a. 224; 1997 a. 27; 1999 a. 9.

11 **SECTION 31.** 800.09 (1) (intro.) of the statutes is amended to read:

12 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it  
13 may render judgment by ordering restitution under s. 800.093 and payment of a  
14 forfeiture, the penalty assessment imposed by s. 757.05, the jail assessment imposed  
15 by s. 302.46 (1), the crime laboratories and drug law enforcement assessment  
16 imposed by s. 165.755, any applicable consumer ~~information~~ protection assessment  
17 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.  
18 973.055 (1) plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The  
19 court shall apply any payment received on a judgment that includes restitution to  
20 first satisfy any payment of restitution ordered, then to pay the forfeiture,  
21 assessments and costs. If the judgment is not paid, the court may proceed under par.  
22 (a), (b) or (c) or any combination of those paragraphs, as follows:

History: 1977 c. 305; 1979 c. 32 s. 68; Stats. 1979 s. 800.09; 1981 c. 317; 1985 a. 179; 1987 a. 27, 389; 1987 a. 399 s. 494u; 1989 a. 107; 1991 a. 39, 40, 189; 1993 a. 16; 1997 a. 27, 84; 1999 a. 9, 185.

23 **SECTION 32.** 800.09 (1) (a) of the statutes is amended to read:

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

History: 1977 c. 305; 1979 c. 32 s. 68; Stats. 1979 s. 800.09; 1981 c. 317; 1985 a. 179; 1987 a. 27, 389; 1987 a. 399 s. 494u; 1989 a. 107; 1991 a. 39, 40, 189; 1993 a. 16; 1997 a. 77, 84; 1999 a. 9, 185.

14           **SECTION 33.** 800.09 (2) (b) of the statutes is amended to read:

15           800.09 (2) (b) If the person charged fails to appear personally or by an attorney  
16 at the time fixed for hearing of the case, the defendant may be deemed to have  
17 entered a plea of no contest and the money deposited, if any, or such portion thereof  
18 as the court determines to be an adequate penalty, plus the penalty assessment, the  
19 jail assessment, the crime laboratories and drug law enforcement assessment, any  
20 applicable consumer ~~information~~ protection assessment and any applicable  
21 domestic abuse assessment plus costs, including the fee prescribed in s. 814.65 (1),  
22 may be declared forfeited by the court or may be ordered applied upon the payment  
23 of any penalty which may be imposed, together with the penalty assessment, the jail  
24 assessment, the crime laboratories and drug law enforcement assessment, any

1 applicable consumer information protection assessment and any applicable  
2 domestic abuse assessment plus costs. If the court finds that the violation meets the  
3 conditions in s. 800.093 (1), the court may summon the alleged violator into court to  
4 determine if restitution shall be ordered under s. 800.093. Any money remaining  
5 after payment of any penalties, assessments, costs and restitution shall be refunded  
6 to the person who made the deposit.

History: 1977 c. 305; 1979 c. 32 s. 68; Stats. 1979 s. 800.09; 1981 c. 317; 1985 a. 179; 1987 a. 27, 389; 1987 a. 399 s. 494u; 1989 a. 107; 1991 a. 39, 40, 189; 1993 a. 16; 1997 a. 27, 84; 1999 a. 9, 185.

7 **SECTION 34.** 800.10 (2) of the statutes is amended to read:

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

History: 1981 c. 317; 1987 a. 27; 1991 a. 39; 1993 a. 16; 1999 a. 9.

21 **SECTION 35.** 800.12 (2) of the statutes is amended to read:

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

1 assessment under s. 302.46, crime laboratories and drug law enforcement  
2 assessment under s. 165.755, any applicable consumer ~~information~~ protection  
3 assessment under s. 100.261 and any applicable domestic abuse assessment under  
4 s. 973.055 (1), a jail sentence not to exceed 7 days.

History: 1977 c. 305; 1979 c. 32 s. 68; 1979 c. 257; Stats. 1979 s. 800. [2; 1987 a. 27; 1989 a. 107; 1991 a. 39; 1993 a. 16; 1997 a. 27; 1999 a. 9.

5 **SECTION 36.** 814.60 (2) (ai) of the statutes is amended to read:

6 814.60 (2) (ai) Consumer ~~information~~ protection assessment imposed by s.  
7 100.261.

History: 1981 c. 317; 1983 a. 27; 1985 a. 36; 1987 a. 27, 339; 1989 a. 64, 107; 1991 a. 39; 1993 a. 16; 1995 a. 224, 227, 448; 1997 a. 27, 248; 1999 a. 9.

8 **SECTION 37.** 814.63 (3) (ai) of the statutes is amended to read:

9 814.63 (3) (ai) Consumer ~~information~~ protection assessment imposed by s.  
10 100.261.

History: 1981 c. 317; 1985 a. 36; 1987 a. 27, 399; 1989 a. 22, 31, 64, 97, 107, 359; 1991 a. 26, 39, 130; 1993 a. 16, 167, 313; 1995 a. 27, 227, 349; 1997 a. 27, 248; 1999 a. 9, 72.

11 **SECTION 38.** 973.05 (1) of the statutes is amended to read:

12 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant  
13 permission for the payment of the fine, of the penalty assessment imposed by s.  
14 757.05, the jail assessment imposed by s. 302.46 (1), the crime victim and witness  
15 assistance surcharge under s. 973.045, the crime laboratories and drug law  
16 enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid  
17 analysis surcharge under s. 973.046, any applicable drug abuse program  
18 improvement surcharge imposed by s. 961.41 (5), any applicable consumer  
19 ~~information~~ protection assessment imposed by s. 100.261, any applicable domestic  
20 abuse assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver  
21 improvement surcharge imposed by s. 346.655, any applicable enforcement  
22 assessment imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed  
23 by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4),

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

History: 1977 c. 29; 1979 c. 34, 111; 1981 c. 20, 88, 352; 1983 a. 27, 535; 1985 a. 36; 1987 a. 27, 339, 398; 1989 a. 64, 107, 359; 1991 a. 39; 1993 a. 16; 1995 a. 227, 438, 448; 1997 a. 3, 27, 35, 148, 248; 1999 a. 9, 32.

16 **SECTION 39.** 973.05 (2) of the statutes is amended to read:

17 973.05 (2) When a defendant is sentenced to pay a fine and is also placed on  
18 probation, the court may make the payment of the fine, the penalty assessment, the  
19 jail assessment, the crime victim and witness assistance surcharge, the crime  
20 laboratories and drug law enforcement assessment, any applicable deoxyribonucleic  
21 acid analysis surcharge, any applicable drug abuse program improvement  
22 surcharge, any applicable consumer information protection assessment, any  
23 applicable domestic abuse assessment, any applicable uninsured employer  
24 assessment, any applicable driver improvement surcharge, any applicable

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

1 shall then be applied to payment of the enforcement assessment under s. 253.06 (4)  
2 (c), if applicable, until paid in full and shall then be applied to payment of the fine.

History: 1977 c. 29; 1979 c. 34, 111; 1981 c. 20, 88, 352; 1983 a. 27, 535; 1985 a. 36; 1987 a. 27, 339, 398; 1989 a. 64, 107, 359; 1991 a. 39; 1993 a. 16; 1995 a. 227, 438, 448; 1997 a. 3, 27, 35, 148, 248; 1999 a. 9, 32.

3 **SECTION 40.** 973.07 of the statutes is amended to read:

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



1 applicable natural resources restitution payments are paid or discharged, or the  
2 community service work under s. 943.017 (3) is completed, for a period fixed by the  
3 court not to exceed 6 months.

4 History: 1977 c. 29; 1979 c. 34, 111; 1981 c. 20; 1983 a. 27; 1985 a. 36; 1987 a. 27, 339; 1989 a. 64; 1991 a. 39; 1993 a. 16; 1995 a. 24; 1997 a. 27; 1999 a. 9.

4 **SECTION 9304. <sup>Δ</sup>Initial applicability; agriculture, trade and consumer**  
5 **protection.**

6 (1) CONSUMER PROTECTION ASSESSMENTS. The treatment of sections 20.115 (1)  
7 (jb), 59.25 (3) (f) 2., 59.40 (2) (m), 66.0113 (1) (b) 7. c. and d., (c), and (3) (a), (b), (c),  
8 and (d), 66.0114 (1) (b) and (bm), 100.261 (title), (1), (2), and (3) (a) and (b) 1., 778.02,  
9 778.03, 778.06, 778.10, 778.105, 778.13, 778.18, 800.02 (2) (a) 8. and (3) (a) 5., 800.03  
10 (3), 800.04 (2) (b) and (c), 800.09 (1) (intro.) and (a) and (2) (b), 800.10 (2), 800.12 (2),  
11 814.60 (2) (ai), 814.63 (3) (ai), 973.05 (1) and (2), and 973.07 of the statutes first  
12 applies to consumer protection assessments that are imposed for violations that first  
13 occur on the effective date of this subsection.

14 (END)

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

LRB-0454/10n

MCG.....

WJ

Attention: Jim Matson

In preparing the governor's budget bill, it is the responsibility of the DOA budget office to prepare the chapter 20 schedule in which the amounts of \$175,000 in each fiscal year will be placed. The LRB only drafts the actual statutory changes; therefore, the \$175,000 amounts are not included in this draft.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215

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

LRB-0454/1dn  
MGG:wlj:km

October 4, 2000

Attention: Jim Matson

In preparing the governor's budget bill, it is the responsibility of the DOA budget office to prepare the chapter 20 schedule in which the amounts of \$175,000 in each fiscal year will be placed. The LRB only drafts the actual statutory changes; therefore, the \$175,000 amounts are not included in this draft.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215

D-Note

soon hmb 2 RMR

DOA:.....Walker - Consumer information assessments

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

Do not get

1

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

*Analysis by the Legislative Reference Bureau*

**COURTS AND PROCEDURE**

**OTHER COURTS AND PROCEDURE**

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

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

Current law requires a court to impose an assessment equal to 15% of the fine or forfeiture if the court imposes a fine or forfeiture for a violation of any of these laws or local ordinances enacted pursuant to these laws. The bill raises the assessment to 25% of the fine or forfeiture. The assessments that are collected are deposited into an appropriation to DATCP to pay for providing consumers with information and

education. The amount deposited into this appropriation in a fiscal year is limited to \$85,000, with the balance remaining in the general fund. This bill expands the purpose for which these assessments may be used to include all other consumer protection activities conducted by DATCP and increases the limit for the deposit into the appropriation to \$185,000.

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

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

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

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

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

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

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

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

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

1 938.34 (8d) for the delinquency victim and witness assistance surcharge, the  
2 amounts required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the  
3 amounts required by s. 961.41 (5) for the drug abuse program improvement  
4 surcharge, the amounts required by s. 100.261 for the consumer ~~information~~  
5 protection assessment, the amounts authorized by s. 971.37 (1m) (c) 1. or required  
6 by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by  
7 s. 253.06 (4) (c) for the enforcement assessment under the supplemental food  
8 program for women, infants and children, the amounts required by ss. 346.177,  
9 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the  
10 amounts required by s. 346.655 for the driver improvement surcharge, the amounts  
11 required by s. 102.85 (4) for the uninsured employer assessment, the amounts  
12 required by s. 299.93 for the environmental assessment, the amounts required under  
13 s. 29.983 for the wild animal protection assessment, the amounts required under s.  
14 29.987 (1) (d) for the natural resources assessment surcharge, the amounts required  
15 by s. 29.985 for the fishing shelter removal assessment, the amounts required by s.  
16 350.115 for the snowmobile registration restitution payment and the amounts  
17 required under s. 29.989 (1) (d) for the natural resources restitution payments. The  
18 payments shall be made by the 15th day of the month following receipt thereof.

19 **SECTION 4.** 66.0113 (1) (b) 7. c. of the statutes is amended to read:

20 66.0113 (1) (b) 7. c. That if the alleged violator makes a cash deposit and does  
21 not appear in court, he or she either will be deemed to have tendered a plea of no  
22 contest and submitted to a forfeiture, a penalty assessment imposed by s. 757.05, a  
23 jail assessment imposed by s. 302.46 (1), a crime laboratories and drug law  
24 enforcement assessment imposed by s. 165.755, any applicable consumer  
25 ~~information~~ protection assessment imposed by s. 100.261 and any applicable

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

4 **SECTION 5.** 66.0113 (1) (b) 7. d. of the statutes is amended to read:

5 66.0113 (1) (b) 7. d. That if the alleged violator does not make a cash deposit  
6 and does not appear in court at the time specified, the court may issue a summons  
7 or a warrant for the defendant's arrest or consider the nonappearance to be a plea  
8 of no contest and enter judgment under sub. (3) (d), or the municipality may  
9 commence an action against the alleged violator to collect the forfeiture, the penalty  
10 assessment imposed by s. 757.05, the jail assessment imposed by s. 302.46 (1), the  
11 crime laboratories and drug law enforcement assessment imposed by s. 165.755, any  
12 applicable consumer ~~information~~ protection assessment imposed by s. 100.261 and  
13 any applicable domestic abuse assessment imposed by s. 973.055 (1).

14 **SECTION 6.** 66.0113 (1) (c) of the statutes is amended to read:

15 66.0113 (1) (c) An ordinance adopted under par. (a) shall contain a schedule of  
16 cash deposits that are to be required for the various ordinance violations, and for the  
17 penalty assessment imposed by s. 757.05, the jail assessment imposed by s. 302.46  
18 (1), the crime laboratories and drug law enforcement assessment imposed by s.  
19 165.755, any applicable consumer ~~information~~ protection assessment imposed by s.  
20 100.261 and any applicable domestic abuse assessment imposed by s. 973.055 (1), for  
21 which a citation may be issued. The ordinance shall also specify the court, clerk of  
22 court or other official to whom cash deposits are to be made and shall require that  
23 receipts be given for cash deposits.

24 **SECTION 7.** 66.0113 (3) (a) of the statutes is amended to read:



1           66.0113 (3) (a) The person named as the alleged violator in a citation may  
2 appear in court at the time specified in the citation or may mail or deliver personally  
3 a cash deposit in the amount, within the time and to the court, clerk of court or other  
4 official specified in the citation. If a person makes a cash deposit, the person may  
5 nevertheless appear in court at the time specified in the citation, but the cash deposit  
6 may be retained for application against any forfeiture, restitution, penalty  
7 assessment, jail assessment, crime laboratories and drug law enforcement  
8 assessment, consumer ~~information~~ protection assessment or domestic abuse  
9 assessment that may be imposed.

10           **SECTION 8.** 66.0113 (3) (b) of the statutes is amended to read:

11           66.0113 (3) (b) If a person appears in court in response to a citation, the citation  
12 may be used as the initial pleading, unless the court directs that a formal complaint  
13 be made, and the appearance confers personal jurisdiction over the person. The  
14 person may plead guilty, no contest or not guilty. If the person pleads guilty or no  
15 contest, the court shall accept the plea, enter a judgment of guilty and impose a  
16 forfeiture, the penalty assessment imposed by s. 757.05, the jail assessment imposed  
17 by s. 302.46 (1), the crime laboratories and drug law enforcement assessment  
18 imposed by s. 165.755, any applicable consumer ~~information~~ protection assessment  
19 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.  
20 973.055 (1). If the court finds that the violation meets the conditions in s. 800.093  
21 (1), the court may order restitution under s. 800.093. A plea of not guilty shall put  
22 all matters in the case at issue, and the matter shall be set for trial.

23           **SECTION 9.** 66.0113 (3) (c) of the statutes is amended to read:

24           66.0113 (3) (c) If the alleged violator makes a cash deposit and fails to appear  
25 in court, the citation may serve as the initial pleading and the violator shall be

1 considered to have tendered a plea of no contest and submitted to a forfeiture, the  
2 penalty assessment imposed by s. 757.05, the jail assessment imposed by s. 302.46  
3 (1), the crime laboratories and drug law enforcement assessment imposed by s.  
4 165.755, any applicable consumer ~~information~~ protection assessment imposed by s.  
5 100.261 and any applicable domestic abuse assessment imposed by s. 973.055 (1) not  
6 exceeding the amount of the deposit. The court may either accept the plea of no  
7 contest and enter judgment accordingly or reject the plea. If the court finds the  
8 violation meets the conditions in s. 800.093 (1), the court may summon the alleged  
9 violator into court to determine if restitution shall be ordered under s. 800.093. If  
10 the court accepts the plea of no contest, the defendant may move within 10 days after  
11 the date set for the appearance to withdraw the plea of no contest, open the judgment  
12 and enter a plea of not guilty if the defendant shows to the satisfaction of the court  
13 that the failure to appear was due to mistake, inadvertence, surprise or excusable  
14 neglect. If the plea of no contest is accepted and not subsequently changed to a plea  
15 of not guilty, no costs or fees may be taxed against the violator, but a penalty  
16 assessment, a jail assessment, a crime laboratories and drug law enforcement  
17 assessment and, if applicable, a consumer ~~information~~ protection assessment or a  
18 domestic abuse assessment shall be assessed. If the court rejects the plea of no  
19 contest, an action for collection of the forfeiture, penalty assessment, jail assessment,  
20 crime laboratories and drug law enforcement assessment, any applicable consumer  
21 ~~information~~ protection assessment and any applicable domestic abuse assessment  
22 may be commenced. A city, village, town sanitary district or public inland lake  
23 protection and rehabilitation district may commence action under s. 66.0114 (1) and  
24 a county or town may commence action under s. 778.10. The citation may be used  
25 as the complaint in the action for the collection of the forfeiture, penalty assessment,

1 jail assessment, crime laboratories and drug law enforcement assessment, any  
2 applicable consumer ~~information~~ protection assessment and any applicable  
3 domestic abuse assessment.

4 **SECTION 10.** 66.0113 (3) (d) of the statutes is amended to read:

5 66.0113 (3) (d) If the alleged violator does not make a cash deposit and fails to  
6 appear in court at the time specified in the citation, the court may issue a summons  
7 or warrant for the defendant's arrest or consider the nonappearance to be a plea of  
8 no contest and enter judgment accordingly if service was completed as provided  
9 under par. (e) or the county, town, city, village, town sanitary district or public inland  
10 lake protection and rehabilitation district may commence an action for collection of  
11 the forfeiture, penalty assessment, jail assessment and crime laboratories and drug  
12 law enforcement assessment, any applicable consumer ~~information~~ protection  
13 assessment and any applicable domestic abuse assessment. A city, village, town  
14 sanitary district or public inland lake protection and rehabilitation district may  
15 commence action under s. 66.0114 (1) and a county or town may commence action  
16 under s. 778.10. The citation may be used as the complaint in the action for the  
17 collection of the forfeiture, penalty assessment, jail assessment and crime  
18 laboratories and drug law enforcement assessment, any applicable consumer  
19 ~~information~~ protection assessment and any applicable domestic abuse assessment.  
20 If the court considers the nonappearance to be a plea of no contest and enters  
21 judgment accordingly, the court shall promptly mail a copy or notice of the judgment  
22 to the defendant. The judgment shall allow the defendant not less than 20 days from  
23 the date of the judgment to pay any forfeiture, penalty assessment, jail assessment  
24 and crime laboratories and drug law enforcement assessment, any applicable  
25 consumer ~~information~~ protection assessment and any applicable domestic abuse

1 assessment imposed. If the defendant moves to open the judgment within 6 months  
2 after the court appearance date fixed in the citation, and shows to the satisfaction  
3 of the court that the failure to appear was due to mistake, inadvertence, surprise or  
4 excusable neglect, the court shall reopen the judgment, accept a not guilty plea and  
5 set a trial date.

6 **SECTION 11.** 66.0114 (1) (b) of the statutes is amended to read:

7 66.0114 (1) (b) Local ordinances, except as provided in this paragraph or ss.  
8 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any  
9 or all violations under those ordinances, may designate the manner in which the  
10 stipulation is to be made and may fix the penalty to be paid. When a person charged  
11 with a violation for which stipulation of guilt or no contest is authorized makes a  
12 timely stipulation, pays the required penalty and pays the penalty assessment  
13 imposed by s. 757.05, the jail assessment imposed by s. 302.46 (1), the crime  
14 laboratories and drug law enforcement assessment imposed by s. 165.755, any  
15 applicable consumer ~~information~~ protection assessment imposed by s. 100.261 and  
16 any applicable domestic abuse assessment imposed by s. 973.055 (1) to the  
17 designated official, the person need not appear in court and no witness fees or other  
18 additional costs may be taxed unless the local ordinance so provides. A court  
19 appearance is required for a violation of a local ordinance in conformity with s. 346.63  
20 (1).

21 **SECTION 12.** 66.0114 (1) (bm) of the statutes is amended to read:

22 66.0114 (1) (bm) The official receiving the penalties shall remit all moneys  
23 collected to the treasurer of the city, village, town sanitary district or public inland  
24 lake protection and rehabilitation district in whose behalf the sum was paid, except  
25 that all jail assessments shall be remitted to the county treasurer, within 20 days

1 after its receipt by the official. If timely remittance is not made, the treasurer may  
2 collect the payment of the officer by action, in the name of the office, and upon the  
3 official bond of the officer, with interest at the rate of 12% per year from the date on  
4 which it was due. In the case of the penalty assessment imposed by s. 757.05, the  
5 crime laboratories and drug law enforcement assessment imposed by s. 165.755, the  
6 driver improvement surcharge imposed by s. 346.655 (1), any applicable consumer  
7 ~~information~~ protection assessment imposed by s. 100.261 and any applicable  
8 domestic abuse assessment imposed by s. 973.055 (1), the treasurer of the city,  
9 village, town sanitary district or public inland lake protection and rehabilitation  
10 district shall remit to the state treasurer the amount required by law to be paid on  
11 the actions entered during the preceding month on or before the first day of the next  
12 succeeding month. The governing body of the city, village, town sanitary district or  
13 public inland lake protection and rehabilitation district shall by ordinance designate  
14 the official to receive the penalties and the terms under which the official qualifies.

15 **SECTION 13.** 100.261 (title) of the statutes is amended to read:

16 **100.261 (title) Consumer ~~information~~ protection assessment.**

17 **SECTION 14.** 100.261 (1) of the statutes is amended to read:

18 100.261 (1) If a court imposes a fine or forfeiture for a violation of this chapter,  
19 ch. 98, a rule promulgated under this chapter or ch. 98 or an ordinance enacted under  
20 this chapter or ch. 98, the court shall also impose a consumer ~~information~~ protection  
21 assessment in an amount equal to ~~15%~~ 25% of the fine or forfeiture imposed. If  
22 multiple violations are involved, the court shall base the consumer information  
23 protection assessment upon the the total of the fine or forfeiture amounts for all  
24 violations. If a fine or forfeiture is suspended in whole or in part, the court shall  
25 reduce the assessment in proportion to the suspension.

1           **SECTION 15.** 100.261 (2) of the statutes is amended to read:

2           100.261 (2) If any deposit is made for a violation to which this section applies,  
3 the person making the deposit shall also deposit a sufficient amount to include the  
4 consumer ~~information~~ protection assessment required under this section. If the  
5 deposit is forfeited, the amount of the consumer ~~information~~ protection assessment  
6 shall be transmitted to the state treasurer under sub. (3). If the deposit is returned,  
7 the consumer ~~information~~ protection assessment shall also be returned.

8           **SECTION 16.** 100.261 (3) (a) of the statutes is amended to read:

9           100.261 (3) (a) The clerk of court shall collect and transmit the consumer  
10 ~~information~~ protection assessment amounts to the county treasurer under s. 59.40  
11 (2) (m). The county treasurer shall then make payment to the state treasurer under  
12 s. 59.25 (3) (f) 2.

13           **SECTION 17.** 100.261 (3) (b) 1. of the statutes is renumbered 100.261 (3) (b)  
14 amended to read:

15           100.261 (3) (b) The state treasurer shall deposit the consumer protection  
16 assessment amounts in the general fund and shall credit them to the appropriation  
17 account under s. 20.115 (1) (jb), subject to the limit under ~~subd. 2~~ par. (c).

18           **SECTION 18.** 100.261 (3) (b) 2. of the statutes is renumbered 100.261 (3) (c) and  
19 amended to read:

20           100.261 (3) (c) The amount credited to the appropriation account under s.  
21 20.115 (1) (jb) may not exceed ~~\$85,000~~ \$185,000 in each fiscal year.

22           **SECTION 19.** 778.02 of the statutes is amended to read:

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

1 of the forfeiture claimed, according to the provisions of the statute that imposes it,  
2 specifying the statute and for the penalty assessment imposed by s. 757.05, the jail  
3 assessment imposed by s. 302.46 (1), the crime laboratories and drug law  
4 enforcement assessment imposed by s. 165.755, the enforcement assessment  
5 imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer ~~information~~  
6 protection assessment imposed by s. 100.261 and any applicable domestic abuse  
7 assessment imposed by s. 973.055 (1). If the statute imposes a forfeiture for several  
8 offenses or delinquencies the complaint shall specify the particular offense or  
9 delinquency for which the action is brought, with a demand for judgment for the  
10 amount of the forfeiture, penalty assessment, jail assessment, crime laboratories  
11 and drug law enforcement assessment, any applicable enforcement assessment, any  
12 applicable consumer ~~information~~ protection assessment and any applicable  
13 domestic abuse assessment. If the defendant is a nonresident of the state, an  
14 attachment may issue.

15 **SECTION 20.** 778.03 of the statutes is amended to read:

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

25 **SECTION 21.** 778.06 of the statutes is amended to read:

1           **778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a  
2 specific sum or when it is not less than one sum or more than another, the action may  
3 be brought for the highest sum specified and for the penalty assessment imposed by  
4 s. 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories and  
5 drug law enforcement assessment imposed by s. 165.755, the enforcement  
6 assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer  
7 ~~information protection~~ assessment imposed by s. 100.261 and any applicable  
8 domestic abuse assessment imposed by s. 973.055 (1); and judgment may be  
9 rendered for such sum as the court or jury shall assess or determine to be  
10 proportionate to the offense.

11           **SECTION 22.** 778.10 of the statutes is amended to read:

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



1 by s. 302.46 (1), the crime laboratories and drug law enforcement assessment  
2 imposed by s. 165.755, any applicable consumer ~~information~~ protection assessment  
3 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.  
4 973.055 (1). All moneys collected on the judgment shall be paid to the treasurer of  
5 the county, town, city, village or corporation, except that all jail assessments shall be  
6 paid to the county treasurer.

7 **SECTION 23.** 778.105 of the statutes is amended to read:

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

16 **SECTION 24.** 778.13 of the statutes is amended to read:

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

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

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

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

24 **SECTION 26.** 800.02 (2) (a) 8. of the statutes is amended to read:

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

9           **SECTION 27.** 800.02 (3) (a) 5. of the statutes is amended to read:

10           800.02 (3) (a) 5. A plain and concise statement of the violation identifying the  
11 event or occurrence from which the violation arose and showing that the plaintiff is  
12 entitled to relief, the ordinance, resolution or bylaw upon which the cause of action  
13 is based and a demand for a forfeiture, the amount of which shall not exceed the  
14 maximum set by the statute involved, the penalty assessment, the jail assessment,  
15 the crime laboratories and drug law enforcement assessment, any applicable  
16 consumer ~~information~~ protection assessment, any applicable domestic abuse  
17 assessment and such other relief that is sought by the plaintiff.

18           **SECTION 28.** 800.03 (3) of the statutes is amended to read:

19           800.03 (3) The amount of the deposit shall be set by the municipal judge, but  
20 shall not be effective until approved by the governing body of the municipality. The  
21 amount shall not exceed the maximum penalty for the offense, including any penalty  
22 assessment that would be applicable under s. 757.05, any jail assessment that would  
23 be applicable under s. 302.46 (1), any crime laboratories and drug law enforcement  
24 assessment that would be applicable under s. 165.755, any consumer ~~information~~  
25 protection assessment that would be applicable under s. 100.261 and any domestic

1 abuse assessment that would be applicable under s. 973.055 (1), plus court costs,  
2 including the fee prescribed in s. 814.65 (1).

3 **SECTION 29.** 800.04 (2) (b) of the statutes is amended to read:

4 800.04 (2) (b) If the municipal judge determines that the defendant should not  
5 be released under par. (a) and the defendant is charged with a traffic or boating  
6 violation, the municipal judge shall release the defendant on a deposit in the amount  
7 established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66.  
8 For other violations, the municipal judge shall establish a deposit in an amount not  
9 to exceed the maximum penalty for the offense, including any penalty assessment  
10 that would be applicable under s. 757.05, any jail assessment that would be  
11 applicable under s. 302.46 (1), any crime laboratories and drug law enforcement  
12 assessment that would be applicable under s. 165.755, any consumer ~~information~~  
13 protection assessment that would be applicable under s. 100.261 and any domestic  
14 abuse assessment that would be applicable under s. 973.055 (1). If the judge in a 1st  
15 class city determines that a defendant appearing before the judge through  
16 interactive video and audio transmission should not be released under par. (a), the  
17 judge shall inform the defendant that he or she has the right to appear personally  
18 before a judge for a determination, not prejudiced by the first appearance, as to  
19 whether he or she should be released without a deposit. On failure of the defendant  
20 to make a deposit under this paragraph, he or she may be committed to jail pending  
21 trial only if the judge finds that there is a reasonable basis to believe the person will  
22 not appear in court.

23 **SECTION 30.** 800.04 (2) (c) of the statutes is amended to read:

24 800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03  
25 and does not appear, he or she is deemed to have tendered a plea of no contest and

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

13 **SECTION 31.** 800.09 (1) (intro.) of the statutes is amended to read:

14 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it  
15 may render judgment by ordering restitution under s. 800.093 and payment of a  
16 forfeiture, the penalty assessment imposed by s. 757.05, the jail assessment imposed  
17 by s. 302.46 (1), the crime laboratories and drug law enforcement assessment  
18 imposed by s. 165.755, any applicable consumer ~~information~~ protection assessment  
19 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.  
20 973.055 (1) plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The  
21 court shall apply any payment received on a judgment that includes restitution to  
22 first satisfy any payment of restitution ordered, then to pay the forfeiture,  
23 assessments and costs. If the judgment is not paid, the court may proceed under par.  
24 (a), (b) or (c) or any combination of those paragraphs, as follows:

25 **SECTION 32.** 800.09 (1) (a) of the statutes is amended to read:

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

14           **SECTION 33.** 800.09 (2) (b) of the statutes is amended to read:

15           800.09 (2) (b) If the person charged fails to appear personally or by an attorney  
16 at the time fixed for hearing of the case, the defendant may be deemed to have  
17 entered a plea of no contest and the money deposited, if any, or such portion thereof  
18 as the court determines to be an adequate penalty, plus the penalty assessment, the  
19 jail assessment, the crime laboratories and drug law enforcement assessment, any  
20 applicable consumer ~~information~~ protection assessment and any applicable  
21 domestic abuse assessment plus costs, including the fee prescribed in s. 814.65 (1),  
22 may be declared forfeited by the court or may be ordered applied upon the payment  
23 of any penalty which may be imposed, together with the penalty assessment, the jail  
24 assessment, the crime laboratories and drug law enforcement assessment, any  
25 applicable consumer ~~information~~ protection assessment and any applicable

1 domestic abuse assessment plus costs. If the court finds that the violation meets the  
2 conditions in s. 800.093 (1), the court may summon the alleged violator into court to  
3 determine if restitution shall be ordered under s. 800.093. Any money remaining  
4 after payment of any penalties, assessments, costs and restitution shall be refunded  
5 to the person who made the deposit.

6 **SECTION 34.** 800.10 (2) of the statutes is amended to read:

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

20 **SECTION 35.** 800.12 (2) of the statutes is amended to read:

21 800.12 (2) A municipality may by ordinance provide that a municipal judge  
22 may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50  
23 or, upon nonpayment of the forfeiture, penalty assessment under s. 757.05, jail  
24 assessment under s. 302.46, crime laboratories and drug law enforcement  
25 assessment under s. 165.755, any applicable consumer ~~information~~ protection

1 assessment under s. 100.261 and any applicable domestic abuse assessment under  
2 s. 973.055 (1), a jail sentence not to exceed 7 days.

3 **SECTION 36.** 814.60 (2) (ai) of the statutes is amended to read:

4 814.60 (2) (ai) Consumer ~~information~~ protection assessment imposed by s.  
5 100.261.

6 **SECTION 37.** 814.63 (3) (ai) of the statutes is amended to read:

7 814.63 (3) (ai) Consumer ~~information~~ protection assessment imposed by s.  
8 100.261.

9 **SECTION 38.** 973.05 (1) of the statutes is amended to read:

10 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant  
11 permission for the payment of the fine, of the penalty assessment imposed by s.  
12 757.05, the jail assessment imposed by s. 302.46 (1), the crime victim and witness  
13 assistance surcharge under s. 973.045, the crime laboratories and drug law  
14 enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid  
15 analysis surcharge under s. 973.046, any applicable drug abuse program  
16 improvement surcharge imposed by s. 961.41 (5), any applicable consumer  
17 ~~information~~ protection assessment imposed by s. 100.261, any applicable domestic  
18 abuse assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver  
19 improvement surcharge imposed by s. 346.655, any applicable enforcement  
20 assessment imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed  
21 by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4),  
22 any applicable environmental assessment imposed by s. 299.93, any applicable wild  
23 animal protection assessment imposed by s. 29.983, any applicable natural resources  
24 assessment imposed by s. 29.987 and any applicable natural resources restitution  
25 payment imposed by s. 29.989 to be made within a period not to exceed 60 days. If



1 no such permission is embodied in the sentence, the fine, the penalty assessment, the  
2 jail assessment, the crime victim and witness assistance surcharge, the crime  
3 laboratories and drug law enforcement assessment, any applicable deoxyribonucleic  
4 acid analysis surcharge, any applicable drug abuse program improvement  
5 surcharge, any applicable consumer ~~information~~ protection assessment, any  
6 applicable domestic abuse assessment, any applicable driver improvement  
7 surcharge, any applicable enforcement assessment, any applicable weapons  
8 assessment, any applicable uninsured employer assessment, any applicable  
9 environmental assessment, any applicable wild animal protection assessment, any  
10 applicable natural resources assessment and any applicable natural resources  
11 restitution payment shall be payable immediately.

12 **SECTION 39.** 973.05 (2) of the statutes is amended to read:

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

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

21 **SECTION 40.** 973.07 of the statutes is amended to read:

22 **973.07 Failure to pay fine or costs or to comply with certain**  
23 **community service work.** If the fine, costs, penalty assessment, jail assessment,  
24 crime victim and witness assistance surcharge, crime laboratories and drug law  
25 enforcement assessment, applicable deoxyribonucleic acid analysis surcharge,

1 applicable drug abuse program improvement surcharge, applicable consumer  
2 ~~information~~ protection assessment, applicable domestic abuse assessment,  
3 applicable driver improvement surcharge, applicable enforcement assessment  
4 under s. 253.06 (4) (c), applicable weapons assessment, applicable uninsured  
5 employer assessment, applicable environmental assessment, applicable wild animal  
6 protection assessment, applicable natural resources assessment and applicable  
7 natural resources restitution payments are not paid or community service work  
8 under s. 943.017 (3) is not completed as required by the sentence, the defendant may  
9 be committed to the county jail until the fine, costs, penalty assessment, jail  
10 assessment, crime victim and witness assistance surcharge, crime laboratories and  
11 drug law enforcement assessment, applicable deoxyribonucleic acid analysis  
12 surcharge, applicable drug abuse program improvement surcharge, applicable  
13 consumer ~~information~~ protection assessment, applicable domestic abuse  
14 assessment, applicable driver improvement surcharge, applicable enforcement  
15 assessment under s. 253.06 (4) (c), applicable weapons assessment, applicable  
16 uninsured employer assessment, applicable environmental assessment, applicable  
17 wild animal protection assessment, applicable natural resources assessment or  
18 applicable natural resources restitution payments are paid or discharged, or the  
19 community service work under s. 943.017 (3) is completed, for a period fixed by the  
20 court not to exceed 6 months.

21 **SECTION 9304. Initial applicability; agriculture, trade and consumer**  
22 **protection.**

23 (1) CONSUMER PROTECTION ASSESSMENTS. The treatment of sections 20.115 (1)  
24 (jb), 59.25 (3) (f) 2., 59.40 (2) (m), 66.0113 (1) (b) 7. c. and d. and (c) and (3) (a), (b),  
25 (c), and (d), 66.0114 (1) (b) and (bm), 100.261 (title), (1), (2), and (3) (a) and (b) 1.,

1 778.02, 778.03, 778.06, 778.10, 778.105, 778.13, 778.18, 800.02 (2) (a) 8. and (3) (a)  
2 5., 800.03 (3), 800.04 (2) (b) and (c), 800.09 (1) (intro.) and (a) and (2) (b), 800.10 (2),  
3 800.12 (2), 814.60 (2) (ai), 814.63 (3) (ai), 973.05 (1) and (2), and 973.07 of the statutes  
4 first applies to consumer protection assessments that are imposed for violations that  
5 first occur on the effective date of this subsection.

6

**(END)**

Date

This redraft inserts a <sup>budget</sup> ~~board~~ note after  
S. 20.115(17)(j)

MGR

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

LRB-0454/2dn  
MGG:hmh:rs

November 29, 2000

This redraft inserts a budget note after s. 20.115 (1) (jb).

Mary Gibson-Glass  
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