

2001 DRAFTING REQUEST

Bill

Received: 12/08/2000

Received By: rryan

Wanted: Soon

Identical to LRB:

For: Administration-Budget 7-0370

By/Representing: Statz

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Alt. Drafters:

Subject: **Criminal Law - law enforcement**
Criminal Law - miscellaneous
Justice - criminal

Extra Copies: **MGD, MGG**

Pre Topic:

DOA:.....Statz -

Topic:

Penalty assessment surcharge for law enforcement training fund

Instructions:

See Attached

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>
/P1	rryan 12/18/2000	gilfokm 01/03/2001	kfollet 01/04/2001	_____	lrb docadmin 01/04/2001		S&L
/1	rryan 02/07/2001	gilfokm 02/07/2001	haugca 02/07/2001	_____	lrb docadmin 02/08/2001		S&L
/2		rryan 02/08/2001 gilfokm 02/08/2001	jfrantze 02/08/2001	_____ _____ _____	lrb docadmin 02/08/2001		S&L

FE Sent For:

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FE Sent For:

*12 - 2/KMG
8-01* *Jb 2/8* *Jb/KMG
2/8*

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/P1	rryan 12/18/2000	gilfokm 01/03/2001	kfollet 01/04/2001	<i>CK</i> <i>2-2-01</i>	lrb docadmin 01/04/2001		S&L
FE Sent For:	<i>1-2/Kmg</i> <i>17-01</i>		<i>CK</i> <i>3-2-2001</i>	<i>CK</i> <i>2-2-01</i>			<END>

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/P1	rryan	1/01-1/15/01 King	KJ	KJ / JF			

FE Sent For:

<END>



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**


TOMMY G. THOMPSON
GOVERNOR

GEORGE LIGHTBOURN
SECRETARY

Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
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Date: December 7, 2000

To: Steve Miller, LRB

From: Andrew J. Statz, DOA 

Subject: Budget draft request relating to penalty assessment

I am requesting statutory language be drafted for inclusion with the 2001-03 biennial budget bill. The draft will separate the Law Enforcement Training Fund (LETF) from the penalty assessment surcharge under s. 757.05. The end result will be two independent surcharges.

The new law enforcement surcharge will be an 11 percent surcharge that applies to the same violations as the current penalty assessment surcharge. Language for the application of the new LETF surcharge and the collection and transmission of funds to the state treasurer will parallel the current penalty assessment language under s. 757.05 (1). Reference to the LETF's draw of 27/55ths of penalty assessment revenues will be repealed. Language defining the new LETF surcharge will reside in Ch. 165. The focus and use of LETF funds will not change.

The penalty assessment surcharge will become a 13 percent surcharge that will apply to the currently defined violations. Once collected by the state treasurer, revenues will continue to flow through the Office of Justice Assistance clearing account under s. 20.505 (6)(j) *Penalty assessment surcharge receipts*. Distribution to recipient appropriations will still be driven by references to amounts in the Chapter 20 schedule.

Please contact me at 267-0370 or andrew.statz@dos.state.wi.us if you have any questions. Thank you.

LRB-1394

Andrew 12/8

Can't just keep one surcharge
& split 11/24 to LETF \$
remainder to OSA b/c
(13/24)

OS of police accustomed to
getting 27/55 \approx 49% &
expect to continue getting
certain % not certain amt.

Tried to change % before &
couldn't get through

So make sep. surcharge

LETF still to fund the
lab equip

Preference is to move Law exp.
surcharge back to ch. 165



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1394/P1

RLR: k:...

kmj

soon

DOA:.....Statz - Penalty assessment surcharge for Law Enforcement Training Fund

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

In 12/18/00

Fix Request Sheet

D-Note

-do not gen.

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

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Current law requires that a person pay a penalty assessment if ordered by a court to pay a fine or forfeiture for violating a state law or local ordinance, except if the fine or forfeiture is for a nonmoving traffic violation, a violation of a seat belt law, or a violation of an anti-smoking law. The penalty assessment amount is 23% percent of the amount of the fine or forfeiture.

The revenue from the penalty assessment is appropriated in two parts. Twenty-seven fifty-fifths of the revenue collected under the assessment is appropriated to DOJ to fund training of law enforcement, jail, and secure detention officers, and to fund the purchase of equipment for the state crime laboratories.

The remaining twenty-eight fifty-fifths of the revenue collected under the penalty assessment is appropriated to the Office of Justice Assistance (OJA) to fund the following programs:

LPS: Change left indent to "0.72" on table.

LPS: 2 Select all of left column and change width to "2.5 inches".

Administering Agency	Program
OJA	Anti-Drug Enforcement

LPS: 3 Select all of right column and change width to "3.8 inches".

Please format table so left column is narrower & right column is wider

DPI	Alcohol and Drug Abuse Prevention
DOC	Victim Services
DOC	Correctional Officer Training
DOC	Youth Diversion Programs in Milwaukee, Racine, Kenosha and Brown Counties
DOJ	Drug Enforcement Intelligence Operations
DOJ	Compensation to Counties for Victim and Witness Services
DOA	Automated Justice Information Systems
Office of the Public Defender	Sponsorship of Conferences and Training

state

Current law also requires that a person pay a drug abuse program improvement surcharge if fined for violating a prohibition against manufacturing, distributing, delivering, or possessing a controlled substance. The drug abuse program improvement surcharge is ~~50 percent~~ ^{the person is} of the fine amount plus ~~50 percent~~ of the penalty assessment amount.

This bill creates a law enforcement training fund assessment that is separate from the penalty assessment. The law enforcement training fund assessment is an ~~11 percent~~ ^a surcharge on fines and forfeitures ordered for a violation of state law or local ordinance, except if the fine or forfeiture is for a non-moving traffic violation, a violation of a seat belt law, or a violation of an anti-smoking law.

The bill appropriates the revenue collected under the law enforcement training fund assessment to DOJ to fund the law enforcement, jail, and secure detention officer training, and the purchase of equipment for the crime laboratories that is currently funded by the twenty-seven fifty-fifths portion of the ~~the~~ penalty assessment revenue appropriated to DOJ.

The bill decreases the penalty assessment to ~~13 percent~~ ^e of the amount of a fine or forfeiture. The revenue collected under the penalty assessment is appropriated to OJA to fund the grants that OJA currently funds with the twenty-eight fifty-fifths portion of the ~~23 percent~~ penalty assessment.

The bill also increases the amount of the drug abuse program improvement surcharge to ~~50 percent~~ ^{New} of the fine, plus ~~50 percent~~ of the penalty assessment, plus ~~50 percent~~ of the law enforcement training fund assessment.

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. 20.455 (2) (i) of the statutes is amended to read:

1 20.455 (2) (i) ~~Penalty assessment surcharge~~ Law enforcement training fund
2 assessment, receipts. The amounts in the schedule for the purposes of s. 165.85 (5)
3 (b) and for crime laboratory equipment. All moneys received from the penalty law
4 enforcement ~~assessment~~ training fund assessment surcharge on court fines and
5 forfeitures as allocated to this appropriation account under s. ~~757.05 (2) (a)~~ 165.87
6 (2) shall be credited to this appropriation account. Moneys may be transferred from
7 this paragraph to pars. (j), (ja), and (jb) by the secretary of administration for
8 expenditures based upon determinations by the department of justice.

→ NOTE: Bud
History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237; 1999 a. 5, 9, 186.

9 **SECTION 2.** 20.455 (2) (j) of the statutes is amended to read:

10 20.455 (2) (j) *Law enforcement training fund, local assistance.* The amounts
11 in the schedule to finance local law enforcement training as provided in s. 165.85 (5)
12 (b). All moneys transferred from par. (i) for the purpose of this appropriation shall
13 be credited to this appropriation.

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237; 1999 a. 5, 9, 186.

14 **SECTION 3.** 20.455 (2) (ja) of the statutes is amended to read:

15 20.455 (2) (ja) *Law enforcement training fund, state operations.* The amounts
16 in the schedule to finance state operations associated with the administration of the
17 law enforcement training fund and to finance training for state law enforcement
18 personnel, as provided in s. 165.85 (5) (b). All moneys transferred from par. (i) for
19 the purpose of this appropriation shall be credited to this appropriation.

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237; 1999 a. 5, 9, 186.

20 **SECTION 4.** 20.455 (2) (jb) of the statutes is amended to read:

21 20.455 (2) (jb) *Crime laboratory equipment and supplies.* The amounts in the
22 schedule for the maintenance, repair, upgrading and replacement costs of the

1 laboratory equipment, and for supplies used to maintain, repair, upgrade, and
 2 replace that equipment, in the state and regional crime laboratories. All moneys
 3 transferred from par. (i) for the purpose of this appropriation shall be credited to this
 4 appropriation.

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1985 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237; 1999 a. 5, 9, 186.

5 **SECTION 5. 20.505 (6) (j) (intro.)** of the statutes is amended to read:

6 20.505 (6) (j) *Penalty assessment surcharge receipts.* (intro.) All moneys
 7 received from the penalty assessment surcharge under s. 757.05 (2) (b) on court fines
 8 and forfeitures ~~and all moneys transferred under 1999 Wisconsin Act 9, sections~~
 9 ~~9201 (2m), (2n) and (2p), 9211 (2g), 9230 (1), (2m) and (3m), 9238 (1h) and 9239 (1h)~~
 10 ~~and (2h)~~, for the purpose of transferring the following amounts to the following
 11 appropriation accounts:

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403, 1997 a. 3, 1997 a. 27 ss. 199, 227 to 229m, 233, 000g to 092; 1997 a. 231, 283; 1999 a. 5, 9, 24, 52, 105, 113, 148, 185.

12 **SECTION 6. 23.50 (1)** of the statutes is amended to read:

13 23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
 14 court to recover forfeitures, penalty assessments, law enforcement training fund
 15 assessments, jail assessments, applicable weapons assessments, applicable
 16 environmental assessments, applicable wild animal protection assessments,
 17 applicable natural resources assessments, applicable fishing shelter removal
 18 assessments, applicable snowmobile registration restitution payments, and
 19 applicable natural resources restitution payments for violations of ss. 77.09, 134.60,
 20 167.10 (3), 167.31 (2), 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4),
 21 287.07, 287.08, 287.81, and 299.64 (2), subch. VI of ch. 77, this chapter and chs. 26
 22 to 31 and of ch. 350, and any administrative rules promulgated thereunder,

1 violations specified under s. 285.86, violations of rules of the Kickapoo reserve
2 management board under s. 41.41 (7) (k), or violations of local ordinances enacted
3 by any local authority in accordance with s. 23.33 (11) (am) or 30.77.

History: 1975 c. 365; 1977 c. 29, 305; 1977 c. 449 ss. 44, 497; 1979 c. 32 s. 92 (17); 1979 c. 34 ss. 703b, 2102 (39) (f); 1981 c. 390; 1985 a 36; 1987 a. 27; 1987 a. 200 s.
4; 1989 a. 79, 284, 335, 359; 1991 a. 39, 97; 1993 a. 16, 243, 344, 349, 491; 1995 a. 27, 216, 227, 290; 1997 a. 35; 1999 a. 9.

4 **SECTION 7. 23.50 (2) of the statutes is amended to read:**

5 **23.50 (2)** All actions to recover these forfeitures, penalty assessments, law
6 enforcement training fund assessments, jail assessments, applicable weapons
7 assessments, applicable environmental assessments, applicable wild animal
8 protection assessments, applicable natural resources assessments, applicable
9 fishing shelter removal assessments, applicable snowmobile registration restitution
10 payments, and applicable natural resources restitution payments are civil actions
11 in the name of the state of Wisconsin, shall be heard in the circuit court for the county
12 where the offense occurred, and shall be recovered under the procedure set forth in
13 ss. 23.50 to 23.85.

History: 1975 c. 365; 1977 c. 29, 305; 1977 c. 449 ss. 44, 497; 1979 c. 32 s. 92 (17); 1979 c. 34 ss. 703b, 2102 (39) (f); 1981 c. 390; 1985 a 36; 1987 a. 27; 1987 a. 200 s.
4; 1989 a. 79, 284, 335, 359; 1991 a. 39, 97; 1993 a. 16, 243, 344, 349, 491; 1995 a. 27, 216, 227, 290; 1997 a. 35; 1999 a. 9.

14 **SECTION 8. 23.50 (3) of the statutes is amended to read:**

15 **23.50 (3)** All actions in municipal court to recover forfeitures, penalty
16 assessments, law enforcement training fund assessments, and jail assessments for
17 violations of local ordinances enacted by any local authority in accordance with s.
18 23.33 (11) (am) or 30.77 shall utilize the procedure in ch. 800. The actions shall be
19 brought before the municipal court having jurisdiction. Provisions relating to
20 citations, arrests, questioning, releases, searches, deposits, and stipulations of no
21 contest in ss. 23.51 (1), (3), and (8), 23.53, 23.54, 23.56 to 23.64, 23.66, and 23.67 shall
22 apply to violations of such ordinances.

History: 1975 c. 365; 1977 c. 29, 305; 1977 c. 449 ss. 44, 497; 1979 c. 32 s. 92 (17); 1979 c. 34 ss. 703b, 2102 (39) (f); 1981 c. 390; 1985 a 36; 1987 a. 27; 1987 a. 200 s.
4; 1989 a. 79, 284, 335, 359; 1991 a. 39, 97; 1993 a. 16, 243, 344, 349, 491; 1995 a. 27, 216, 227, 290; 1997 a. 35; 1999 a. 9.

23 **SECTION 9. 23.51 (3t) of the statutes is created to read:**

1 23.51 (3t) "Law enforcement training fund assessment" means the assessment
2 imposed under s. 165.87 (1).[✓]

3 **SECTION 10.** 23.51 (8) of the statutes is amended to read:

4 23.51 (8) "Violation" means conduct which is prohibited by state law or
5 municipal ordinance and punishable by a forfeiture, a penalty assessment, a law
6 enforcement training fund assessment, a jail assessment,[✓] and a crime laboratories
7 and drug law enforcement assessment.

8 **History:** 1975 c. 365; 1977 c. 29; 1979 c. 34; 1985 a. 36; 1985 a. 332 s. 251 (7); 1987 a. 27; 1989 a. 107; 1991 a. 39; 1993 a. 112; 1995 a. 227; 1997 a. 27, 248; 1999 a. 9.

9 **SECTION 11.** 23.53 (1) of the statutes is amended to read:

10 23.53 (1) The citation created under this section shall, in all actions to recover
11 forfeitures, penalty assessments, law enforcement training fund assessments, jail
12 assessments, applicable weapons assessments, applicable environmental
13 assessments, applicable wild animal protection assessments, applicable natural
14 resources assessments, applicable fishing shelter removal assessments, applicable
15 snowmobile registration restitution payments, and applicable natural resources
16 restitution payments for violations of those statutes enumerated in s. 23.50 (1), any
17 administrative rules promulgated thereunder, and any rule of the Kickapoo reserve
18 management board under s. 41.41 (7) (k) be used by any law enforcement officer with
19 authority to enforce those laws, except that the uniform traffic citation created under
20 s. 345.11 may be used by a traffic officer employed under s. 110.07 in enforcing s.
21 167.31 or by an officer of a law enforcement agency of a municipality or county or a
22 traffic officer employed under s. 110.07 in enforcing s. 287.81. In accordance with s.
345.11 (1m), the citation shall not be used for violations of ch. 350 relating to highway

1 use. The citation may be used for violations of local ordinances enacted by any local
2 authority in accordance with s. 23.33 (11) (am) or 30.77.

3 **History:** 1975 c. 365; 1977 c. 29; 1979 c. 34; 1985 a. 36; 1987 a. 27; 1987 a. 200 s. 4; 1989 a. 335; 1991 a. 39; 1993 a. 349; 1995 a. 27, 216, 227; 1997 a. 35.

3 **SECTION 12.** 23.54 (3) (e) of the statutes is amended to read:

4 23.54 (3) (e) The maximum forfeiture, penalty assessment, law enforcement
5 training fund assessment, jail assessment, crime laboratories and drug law
6 enforcement assessment, applicable weapons assessment, applicable environmental
7 assessment, applicable wild animal protection assessment, applicable natural
8 resources assessment, applicable fishing shelter removal assessment, applicable
9 snowmobile registration restitution payment₂ and applicable natural resources
10 restitution payment for which the defendant might be found liable.

11 **History:** 1975 c. 365; 1977 c. 29; 1979 c. 34; 1981 c. 317; 1985 a. 36; 1987 a. 27, 399; 1991 a. 39; 1997 a. 27.

11 **SECTION 13.** 23.54 (3) (i) of the statutes is amended to read:

12 23.54 (3) (i) Notice that ^{if} the defendant makes a deposit and fails to appear
13 in court at the time fixed in the citation, ^{the} defendant will be deemed to have
14 tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a
15 law enforcement training fund assessment, a jail assessment, a crime laboratories
16 and drug law enforcement assessment, any applicable weapons assessment, any
17 applicable environmental assessment, any applicable wild animal protection
18 assessment, any applicable natural resources assessment, any applicable fishing
19 shelter removal assessment, any applicable snowmobile registration restitution
20 payment₂ and any applicable natural resources restitution payment plus costs,
21 including any applicable fees prescribed in ch. 814, not to exceed the amount of the
22 deposit. The notice shall also state that the court may decide to summon the
23 defendant rather than accept the deposit and plea.

24 **History:** 1975 c. 365; 1977 c. 29; 1979 c. 34; 1981 c. 317; 1985 a. 36; 1987 a. 27, 399; 1991 a. 39; 1997 a. 27.

24 **SECTION 14.** 23.54 (3) (j) of the statutes is amended to read:

1 23.54 (3) (j) Notice that² if the defendant makes a deposit and signs the
2 stipulation, the defendant will be deemed to have tendered a plea of no contest and
3 submitted to a forfeiture, a penalty assessment, a law enforcement training fund
4 assessment, jail assessment, a crime laboratories and drug law enforcement
5 assessment, any applicable weapons assessment, any applicable environmental
6 assessment, any applicable wild animal protection assessment, any applicable
7 natural resources assessment, any applicable fishing shelter removal assessment,
8 any applicable snowmobile registration restitution payment, and any applicable
9 natural resources restitution payment plus costs, including any applicable fees
10 prescribed in ch. 814, not to exceed the amount of the deposit. The notice shall also
11 state that the court may decide to summon the defendant rather than accept the
12 deposit and stipulation, and that the defendant may, at any time prior to or at the
13 time of the court appearance date, move the court for relief from the effects of the
14 stipulation.

History: 1975 c. 365; 1977 c. 29; 1979 c. 34; 1981 c. 317; 1985 a. 36; 1987 a. 27, 399; 1991 a. 39; 1997 a. 27.

15 **SECTION 15.** 23.55 (1) (b) of the statutes is amended to read:

16 23.55 (1) (b) A plain and concise statement of the violation identifying the event
17 or occurrence from which the violation arose and showing that the plaintiff is entitled
18 to relief, the statute upon which the cause of action is based, and a demand for a
19 forfeiture, the amount of which shall not exceed the maximum set by the statute
20 involved, a penalty assessment, a law enforcement training fund assessment, a jail
21 assessment, a crime laboratories and drug law enforcement assessment, any
22 applicable weapons assessment, any applicable environmental assessment, any
23 applicable wild animal protection assessment, any applicable natural resources
24 assessment, any applicable fishing shelter removal assessment, any applicable

1 snowmobile registration restitution payment, any applicable natural resources
2 restitution payment, and any other relief that is sought by the plaintiff.

3 *History:* 1975 c. 365; 1977 c. 29; 1979 c. 34; 1985 a. 36; 1987 a. 27; 1991 a. 39; 1997 a. 27.

3 **SECTION 16.** 23.66 (2) of the statutes is amended to read:

4 23.66 (2) The person receiving the deposit shall prepare a receipt in triplicate
5 showing the purpose for which the deposit is made, stating that the defendant may
6 inquire at the office of the clerk of court or municipal court regarding the disposition
7 of the deposit, and notifying the defendant that if he or she fails to appear in court
8 at the time fixed in the citation he or she will be deemed to have tendered a plea of
9 no contest and submitted to a forfeiture, a penalty assessment, a law enforcement
10 training fund assessment, a jail assessment, a crime laboratories and drug law
11 enforcement assessment, any applicable weapons assessment, any applicable
12 environmental assessment, any applicable wild animal protection assessment, any
13 applicable natural resources assessment, any applicable fishing shelter removal
14 assessment, any applicable snowmobile registration restitution payment, and any
15 applicable natural resources restitution payment plus costs, including any
16 applicable fees prescribed in ch. 814, not to exceed the amount of the deposit which
17 the court may accept. The original of the receipt shall be delivered to the defendant
18 in person or by mail. If the defendant pays by check, share draft[✓], or other draft, the
19 check, share draft[✓], or other draft or a microfilm copy of the check, share draft[✓], or other
20 draft shall be considered a receipt. If the defendant makes the deposit by use of a
21 credit card, the credit charge receipt shall be considered a receipt.

22 *History:* 1975 c. 365; 1977 c. 29, 449; 1979 c. 34; 1981 c. 317, 391; 1983 a. 368, 456; 1985 a. 29, 36, 332; 1987 a. 27, 399; 1991 a. 39; 1997 a. 27.

22 **SECTION 17.** 23.66 (4) of the statutes is amended to read:

23 23.66 (4) The basic amount of the deposit shall be determined in accordance
24 with a deposit schedule that the judicial conference shall establish. Annually, the

1 judicial conference shall review and may revise the schedule. In addition to the basic
2 amount determined according to the schedule, the deposit shall include court costs,
3 including any applicable fees prescribed in ch. 814, any applicable penalty
4 assessment, any applicable law enforcement training fund assessment, any
5 applicable jail assessment, any applicable crime laboratories and drug law
6 enforcement assessment, any applicable weapons assessment, any applicable
7 environmental assessment, any applicable wild animal protection assessment, any
8 applicable natural resources assessment, any applicable fishing shelter removal
9 assessment, any applicable snowmobile registration restitution payment, and any
10 applicable natural resources restitution payment.

History: 1975 c. 365; 1977 c. 29, 449; 1979 c. 34; 1981 c. 317, 391; 1983 a. 368, 456; 1985 a. 29, 36, 332; 1987 a. 27, 399; 1991 a. 39; 1997 a. 27.

11 **SECTION 18.** 23.67 (2) of the statutes is amended to read:

12 **23.67 (2)** The deposit and stipulation of no contest may be made at any time
13 prior to the court appearance date. By signing the stipulation, the defendant is
14 deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty
15 assessment, a law enforcement training fund assessment, a jail assessment, a crime
16 laboratories and drug law enforcement assessment, any applicable weapons
17 assessment, any applicable environmental assessment, any applicable wild animal
18 protection assessment, any applicable natural resources assessment, any applicable
19 fishing shelter removal assessment, any applicable snowmobile registration
20 restitution payment, and any applicable natural resources restitution payment plus
21 costs, including any applicable fees prescribed in ch. 814, not to exceed the amount
22 of the deposit.

History: 1975 c. 365; 1977 c. 29; 1979 c. 34; 1981 c. 317; 1985 a. 36; 1987 a. 27, 399; 1991 a. 39; 1997 a. 27.

23 **SECTION 19.** 23.67 (3) of the statutes is amended to read:

1 **23.67 (3)** The person receiving the deposit and stipulation of no contest shall
2 prepare a receipt in triplicate showing the purpose for which the deposit is made,
3 stating that the defendant may inquire at the office of the clerk of court or municipal
4 court regarding the disposition of the deposit, and notifying the defendant that if the
5 stipulation of no contest is accepted by the court the defendant will be deemed to have
6 submitted to a forfeiture, a penalty assessment, a law enforcement training fund
7 assessment, a jail assessment, a crime laboratories and drug law enforcement
8 assessment, any applicable weapons assessment, any applicable environmental
9 assessment, any applicable wild animal protection assessment, any applicable
10 natural resources assessment, any applicable fishing shelter removal assessment,
11 any applicable snowmobile registration restitution payment, and any applicable
12 natural resources restitution payment plus costs, including any applicable fees
13 prescribed in ch. 814, not to exceed the amount of the deposit. Delivery of the receipt
14 shall be made in the same manner as in s. 23.66.

History: 1975 c. 365; 1977 c. 29; 1979 c. 34; 1981 c. 317; 1985 a. 36; 1987 a. 27, 399; 1991 a. 39; 1997 a. 27.

15 **SECTION 20. 23.75 (3) (a) 2.** of the statutes is amended to read:

16 **23.75 (3) (a) 2.** If the court considers the nonappearance to be a plea of no
17 contest and enters judgment accordingly, the court shall promptly mail a copy or
18 notice of the judgment to the defendant. The judgment shall allow the defendant not
19 less than 20 working days from the date the judgment copy or notice is mailed to pay
20 the forfeiture, penalty assessment, law enforcement training fund assessment, jail
21 assessment, [√] and crime laboratories and drug law enforcement assessment, any
22 applicable weapons assessment, any applicable environmental assessment, any
23 applicable wild animal protection assessment, any applicable natural resources
24 assessment, any applicable fishing shelter removal assessment, any applicable

1 snowmobile registration restitution payment, and any applicable natural resources
2 restitution payment plus costs, including any applicable fees prescribed in ch. 814.

3 History: 1975 c. 365; 1977 c. 29; 1979 c. 34; 1981 c. 317; 1985 a. 36; 1987 a. 27, 399; 1991 a. 39; 1993 a. 156; 1997 a. 27.

3 SECTION 21. 23.75 (3) (b) of the statutes is amended to read:

4 23.75 (3) (b) If the defendant has made a deposit, the citation may serve as the
5 initial pleading and the defendant shall be deemed to have tendered a plea of no
6 contest and submitted to a forfeiture, a penalty assessment, a law enforcement
7 training fund assessment, a jail assessment, a crime laboratories and drug law
8 enforcement assessment, any applicable weapons assessment, any applicable
9 environmental assessment, any applicable wild animal protection assessment, any
10 applicable natural resources assessment, any applicable fishing shelter removal
11 assessment, any applicable snowmobile registration restitution payment, and any
12 applicable natural resources restitution payment plus any applicable fees prescribed
13 in ch. 814, not exceeding the amount of the deposit. The court may either accept the
14 plea of no contest and enter judgment accordingly, or reject the plea and issue a
15 summons. If the defendant fails to appear in response to the summons, the court
16 shall issue an arrest warrant. If the court accepts the plea of no contest, the
17 defendant may move within 90 days after the date set for appearance to withdraw
18 the plea of no contest, open the judgment^v, and enter a plea of not guilty if the
19 defendant shows to the satisfaction of the court that failure to appear was due to
20 mistake, inadvertence, surprise^v, or excusable neglect. If a party is relieved from the
21 plea of no contest, the court or judge may order a written complaint to be filed and
22 set the matter for trial. After trial the costs and fees shall be taxed as provided by

1 law. If on reopening the defendant is found not guilty, the court shall delete the
2 record of conviction and shall order the defendant's deposit returned.

3 History: 1975 c. 365; 1977 c. 29; 1979 c. 34; 1981 c. 317; 1985 a. 36; 1987 a. 27, 399; 1991 a. 39; 1993 a. 156; 1997 a. 27.

3 **SECTION 22. 23.75 (3) (c) of the statutes is amended to read:**

4 **23.75 (3) (c)** If the defendant has made a deposit and stipulation of no contest,
5 the citation may serve as the initial pleading and the defendant shall be deemed to
6 have tendered a plea of no contest and submitted to a forfeiture, a penalty
7 assessment, a law enforcement training fund assessment, a jail assessment, a crime
8 laboratories and drug law enforcement assessment, any applicable weapons
9 assessment, any applicable environmental assessment, any applicable wild animal
10 protection assessment, any applicable natural resources assessment, any applicable
11 fishing shelter removal assessment, any applicable snowmobile registration
12 restitution payment, and any applicable natural resources restitution payment plus
13 any applicable fees prescribed in ch. 814, not exceeding the amount of the deposit.
14 The court may either accept the plea of no contest and enter judgment accordingly,
15 or reject the plea and issue a summons. If the defendant fails to appear in response
16 to the summons, the court shall issue an arrest warrant. After signing a stipulation
17 of no contest, the defendant may, at any time prior to or at the time of the court
18 appearance date, move the court for relief from the effect of the stipulation. The court
19 may act on the motion, with or without notice, for cause shown by affidavit and upon
20 just terms, and relieve the defendant from the stipulation and the effects thereof.
21 If the defendant is relieved from the stipulation of no contest, the court may order
22 a citation or complaint to be filed and set the matter for trial. After trial the costs
23 and fees shall be taxed as provided by law.

24 History: 1975 c. 365; 1977 c. 29; 1979 c. 34; 1981 c. 317; 1985 a. 36; 1987 a. 27, 399; 1991 a. 39; 1993 a. 156; 1997 a. 27.

24 **SECTION 23. 23.79 (1) of the statutes is amended to read:**

1 23.79 (1) If the defendant is found guilty, the court may enter judgment against
2 the defendant for a monetary amount not to exceed the maximum forfeiture provided
3 by the statute for the violation, the penalty assessment, the law enforcement
4 training fund assessment, the jail assessment, the crime laboratories and drug law
5 enforcement assessment, any applicable weapons assessment, any applicable
6 environmental assessment, any applicable wild animal protection assessment, any
7 applicable natural resources assessment, any applicable fishing shelter removal
8 assessment, any applicable snowmobile registration restitution payment, any
9 applicable natural resources restitution payment, and for costs.

10 History: 1975 c. 365; 1977 c. 29; 1979 c. 32 s. 92 (13); 1979 c. 34; 1985 a. 36; 1987 a. 27; 1991 a. 39; 1995 a. 391; 1997 a. 27.

10 **SECTION 24.** 23.80 (2) of the statutes is amended to read:

11 23.80 (2) Upon default of the defendant corporation or municipality, or upon
12 conviction, judgment for the amount of the forfeiture, the penalty assessment, the
13 law enforcement training fund assessment, the jail assessment, the crime
14 laboratories and drug law enforcement assessment, any applicable weapons
15 assessment, any applicable environmental assessment, any applicable wild animal
16 protection assessment, any applicable natural resources assessment, any applicable
17 fishing shelter removal assessment, any applicable snowmobile registration
18 restitution payment, and any applicable natural resources restitution payment shall
19 be entered.

20 History: 1975 c. 365; 1977 c. 29; 1979 c. 34; 1985 a. 36; 1987 a. 27; 1991 a. 39; 1997 a. 27.

20 **SECTION 25.** 23.84 of the statutes is amended to read:

21 **23.84 Forfeitures and assessments collected; to whom paid.** Except for
22 actions in municipal court, all moneys collected in favor of the state or a municipality
23 for forfeiture, penalty assessment, law enforcement training fund assessment, jail
24 assessment, crime laboratories and drug law enforcement assessment, applicable

1 weapons assessment, applicable environmental assessment, applicable wild animal
2 protection assessment, applicable natural resources assessment, applicable fishing
3 shelter removal assessment, applicable snowmobile registration restitution
4 payment, and applicable natural resources restitution payment shall be paid by the
5 officer who collects the same to the appropriate municipal or county treasurer, within
6 20 days after its receipt by the officer, except that all jail assessments shall be paid
7 to the county treasurer. In case of any failure in the payment, the municipal or
8 county treasurer may collect the payment from the officer by an action in the
9 treasurer's name of office and upon the official bond of the officer, with interest at the
10 rate of 12% per year from the time when it should have been paid.

11 History: 1975 c. 365; 1977 c. 29, 305; 1979 c. 34; 1979 c. 110 s. 60 (13); 1985 a. 36; 1987 a. 27; 1991 a. 39; 1997 a. 27.

12 **SECTION 26.** 23.85 of the statutes is amended to read:

13 **23.85 Statement to county board; payment to state.** Every county
14 treasurer shall, on the first day of the annual meeting of the county board of
15 supervisors, submit to it a verified statement of all forfeitures, penalty assessments,
16 law enforcement training fund assessments, jail assessments, weapons
17 assessments, environmental assessments, wild animal protection assessments,
18 natural resources assessments, fishing shelter removal assessments, snowmobile
19 registration restitution payments, and natural resources restitution payments
20 money received during the previous year. The county clerk shall deduct all expenses
21 incurred by the county in recovering those forfeitures, penalty assessments, law
22 enforcement training fund assessments, weapons assessments, environmental
23 assessments, wild animal protection assessments, natural resources assessments,
24 fishing shelter removal assessments, snowmobile registration restitution payments,
and natural resources restitution payments from the aggregate amount so received,

1 and shall immediately certify the amount of clear proceeds of those forfeitures,
2 penalty assessments, law enforcement training fund assessments, weapons
3 assessments, environmental assessments, wild animal protection assessments,
4 natural resources assessments, fishing shelter removal assessments, snowmobile
5 registration restitution payments, and natural resources restitution payments to the
6 county treasurer, who shall pay the proceeds to the state treasurer as provided in s.
7 59.25 (3). Jail assessments shall be treated separately as provided in s. 302.46.

8 History: 1975 c. 365; 1977 c. 29; 1979 c. 34; 1985 a. 36; 1987 a. 27; 1989 a. 107; 1991 a. 39; 1995 a. 201.

8 **SECTION 27.** 48.37 (2) of the statutes is amended to read:

9 48.37 (2) Notwithstanding sub. (1), no costs, penalty assessments, law
10 enforcement training fund assessments, or jail assessments may be assessed against
11 any child in a circuit court exercising jurisdiction under s. 48.16.

12 History: 1977 c. 354, 449; 1979 c. 300, 359; 1987 a. 27; 1991 a. 263; 1993 a. 387; 1995 a. 77.

12 **SECTION 28.** 59.25 (3) (f) 2. of the statutes is amended to read:

13 59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be
14 deposited in the state treasury, the amounts required by s. 757.05 for the penalty
15 assessment surcharge, the amounts required by s. 165.87 (1) for the law enforcement
16 training fund assessment, the amounts required by s. 165.755 for the crime
17 laboratories and drug law enforcement assessment, the amounts required by s.
18 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the
19 crime victim and witness assistance surcharge, the amounts required by s. 938.34
20 (8d) for the delinquency victim and witness assistance surcharge, the amounts
21 required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts
22 required by s. 961.41 (5) for the drug abuse program improvement surcharge, the
23 amounts required by s. 100.261 for the consumer information assessment, the
24 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 29. 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. 165.87 (1)**
24 **for the law enforcement training fund assessment, the amounts required by s.**

1 165.755 for the crime laboratories and drug law enforcement assessment, the
 2 amounts required by s. 167.31 (5) for the weapons assessment, the amounts required
 3 by s. 973.045 for the crime victim and witness assistance surcharge, the amounts
 4 required by s. 938.34 (8d) for the delinquency victim and witness assistance
 5 surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis
 6 surcharge, the amounts required by s. 961.41 (5) for the drug abuse program
 7 improvement surcharge, the amounts required by s. 100.261 for the consumer
 8 information assessment, the amounts authorized by s. 971.37 (1m) (c) 1. or required
 9 by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by
 10 s. 253.06 (4) (c) for the enforcement assessment under the supplemental food
 11 program for women, infants and children, the amounts required by ss. 346.177,
 12 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the
 13 amounts required by s. 346.655 for the driver improvement surcharge, the amounts
 14 required by s. 102.85 (4) for the uninsured employer assessment, the amounts
 15 required by s. 299.93 for the environmental assessment, the amounts required under
 16 s. 29.983 for the wild animal protection assessment, the amounts required under s.
 17 29.987 (1) (d) for the natural resources assessment surcharge, the amounts required
 18 by s. 29.985 for the fishing shelter removal assessment, the amounts required by s.
 19 350.115 for the snowmobile registration restitution payment, and the amounts
 20 required under s. 29.989 (1) (d) for the natural resources restitution payments. The
 21 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. 183; 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.

22 **SECTION 30.** 66.0113 (1) (b) 7. c. of the statutes is amended to read:

23 66.0113 (1) (b) 7. c. That [✓]if the alleged violator makes a cash deposit and does
 24 not appear in court, he or she either will be deemed to have tendered a plea of no

1 contest and submitted to a forfeiture, a penalty assessment imposed by s. 757.05, a
 2 law enforcement training fund assessment imposed by s. 165.87 (1), a jail assessment
 3 imposed by s. 302.46 (1), a crime laboratories and drug law enforcement assessment
 4 imposed by s. 165.755, any applicable consumer information assessment imposed by
 5 s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1)
 6 not to exceed the amount of the deposit or will be summoned into court to answer the
 7 complaint if the court does not 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.

8 **SECTION 31.** 66.0113 (1) (b) 7. d. of the statutes is amended to read:

9 9 66.0113 (1) (b) 7. d. That, if the alleged violator does not make a cash deposit
 10 and does not appear in court at the time specified, the court may issue a summons
 11 or a warrant for the defendant's arrest or consider the nonappearance to be a plea
 12 of no contest and enter judgment under sub. (3) (d), or the municipality may
 13 commence an action against the alleged violator to collect the forfeiture, the penalty
 14 assessment imposed by s. 757.05, the law enforcement training fund assessment
 15 imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime
 16 laboratories and drug law enforcement assessment imposed by s. 165.755, any
 17 applicable consumer information assessment imposed by s. 100.261, and any
 18 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.

19 **SECTION 32.** 66.0113 (1) (c) of the statutes is amended to read:

20 66.0113 (1) (c) An ordinance adopted under par. (a) shall contain a schedule of
 21 cash deposits that are to be required for the various ordinance violations, and for the
 22 penalty assessment imposed by s. 757.05, the law enforcement training fund
 23 assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the

1 crime laboratories and drug law enforcement assessment imposed by s. 165.755, any
2 applicable consumer information assessment imposed by s. 100.261, and any
3 applicable domestic abuse assessment imposed by s. 973.055 (1), for which a citation
4 may be issued. The ordinance shall also specify the court, clerk of court or other
5 official to whom cash deposits are to be made and shall require that receipts be given
6 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.

7 **SECTION 33.** 66.0113 (3) (a) of the statutes is amended to read:

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

17 **SECTION 34.** 66.0113 (3) (b) of the statutes is amended to read:

18 66.0113 (3) (b) If a person appears in court in response to a citation, the citation
19 may be used as the initial pleading, unless the court directs that a formal complaint
20 be made, and the appearance confers personal jurisdiction over the person. The
21 person may plead guilty, no contest or not guilty. If the person pleads guilty or no
22 contest, the court shall accept the plea, enter a judgment of guilty and impose a
23 forfeiture, the penalty assessment imposed by s. 757.05, the law enforcement

1 training fund assessment imposed by^{s.} 165.87 (1), the jail assessment imposed by s.
2 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by
3 s. 165.755, any applicable consumer information assessment imposed by s. 100.261,
4 and any applicable domestic abuse assessment imposed by s. 973.055 (1). If the court
5 finds that the violation meets the conditions in s. 800.093 (1), the court may order
6 restitution under s. 800.093. A plea of not guilty shall put all matters in the case at
7 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.

8 **SECTION 35. 66.0113 (3) (c)** of the statutes is amended to read:

9 66.0113 (3) (c) If the alleged violator makes a cash deposit and fails to appear
10 in court, the citation may serve as the initial pleading and the violator shall be
11 considered to have tendered a plea of no contest and submitted to a forfeiture, the
12 penalty assessment imposed by s. 757.05, the law enforcement training fund
13 assessment imposed by s. 165.87 (1), 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 assessment imposed by s. 100.261, and any
16 applicable domestic abuse assessment imposed by s. 973.055 (1) not exceeding the
17 amount of the deposit. The court may either accept the plea of no contest and enter
18 judgment accordingly or reject the plea. If the court finds the violation meets the
19 conditions in s. 800.093 (1), the court may summon the alleged violator into court to
20 determine if restitution shall be ordered under s. 800.093. If the court accepts the
21 plea of no contest, the defendant may move within 10 days after the date set for the
22 appearance to withdraw the plea of no contest, open the judgment, and enter a plea
23 of not guilty if the defendant shows to the satisfaction of the court that the failure
24 to appear was due to mistake, inadvertence, surprise, or excusable neglect. If the

1 plea of no contest is accepted and not subsequently changed to a plea of not guilty,
 2 no costs or fees may be taxed against the violator, but a penalty assessment, a law
 3 enforcement training fund assessment, a jail assessment, a crime laboratories and
 4 drug law enforcement assessment and, if applicable, a consumer information
 5 assessment or a domestic abuse assessment shall be assessed. If the court rejects the
 6 plea of no contest, an action for collection of the forfeiture, penalty assessment, law
 7 enforcement training fund assessment, jail assessment, crime laboratories and drug
 8 law enforcement assessment, any applicable consumer information assessment, and
 9 any applicable domestic abuse assessment may be commenced. A city, village, town
 10 sanitary district² or public inland lake protection and rehabilitation district may
 11 commence action under s. 66.0114 (1) and a county or town may commence action
 12 under s. 778.10. The citation may be used as the complaint in the action for the
 13 collection of the forfeiture, penalty assessment, law enforcement training fund
 14 assessment, jail assessment, crime laboratories and drug law enforcement
 15 assessment, any applicable consumer information assessment, and any applicable
 16 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; Stats. 1999 s. 66.0113.

17 **SECTION 36. 66.0113 (3) (d) of the statutes is amended to read:**

18 **66.0113 (3) (d) If the alleged violator does not make a cash deposit and fails to**
 19 **appear in court at the time specified in the citation, the court may issue a summons**
 20 **or warrant for the defendant's arrest or consider the nonappearance to be a plea of**
 21 **no contest and enter judgment accordingly if service was completed as provided**
 22 **under par. (e) or the county, town, city, village, town sanitary district, or public inland**
 23 **lake protection and rehabilitation district may commence an action for collection of**
 24 **the forfeiture, penalty assessment, law enforcement training fund assessment, jail**

1 assessment, and crime laboratories and drug law enforcement assessment, any
 2 applicable consumer information assessment, and any applicable domestic abuse
 3 assessment. A city, village, town sanitary district, or public inland lake protection
 4 and rehabilitation district may commence action under s. 66.0114 (1) and a county
 5 or town may commence action under s. 778.10. The citation may be used as the
 6 complaint in the action for the collection of the forfeiture, penalty assessment, law
 7 enforcement training fund assessment, jail assessment, and crime laboratories and
 8 drug law enforcement assessment, any applicable consumer information
 9 assessment, and any applicable domestic abuse assessment. If the court considers
 10 the nonappearance to be a plea of no contest and enters judgment accordingly, the
 11 court shall promptly mail a copy or notice of the judgment to the defendant. The
 12 judgment shall allow the defendant not less than 20 days from the date of the
 13 judgment to pay any forfeiture, penalty assessment, law enforcement training
 14 assessment, jail assessment, and crime laboratories and drug law enforcement
 15 assessment, any applicable consumer information assessment, and any applicable
 16 domestic abuse assessment imposed. If the defendant moves to open the judgment
 17 within 6 months after the court appearance date fixed in the citation, and shows to
 18 the satisfaction of the court that the failure to appear was due to mistake,
 19 inadvertence, surprise, or excusable neglect, the court shall reopen the judgment,
 20 accept a not guilty plea and 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; Stats. 1999 s. 66.0113.

21 SECTION 37. 66.0114 (1) (b) of the statutes is amended to read:

22 66.0114 (1) (b) Local ordinances, except as provided in this paragraph or ss.
 23 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any
 24 or all violations under those ordinances, may designate the manner in which the

1 stipulation is to be made and may fix the penalty to be paid. When a person charged
2 with a violation for which stipulation of guilt or no contest is authorized makes a
3 timely stipulation, pays the required penalty and pays the penalty assessment
4 imposed by s. 757.05, the law enforcement training fund assessment imposed by s.
5 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime laboratories and
6 drug law enforcement assessment imposed by s. 165.755, any applicable consumer
7 information assessment imposed by s. 100.261, and any applicable domestic abuse
8 assessment imposed by s. 973.055 (1) to the designated official, the person need not
9 appear in court and no witness fees or other additional costs may be taxed unless the
10 local ordinance so provides. A court appearance is required for a violation of a local
11 ordinance in conformity with s. 346.63 (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.

12 **SECTION 38.** 66.0114 (1) (bm) of the statutes is amended to read:

13 66.0114 (1) (bm) The official receiving the penalties shall remit all moneys
14 collected to the treasurer of the city, village, town sanitary district, or public inland
15 lake protection and rehabilitation district in whose behalf the sum was paid, except
16 that all jail assessments shall be remitted to the county treasurer, within 20 days
17 after its receipt by the official. If timely remittance is not made, the treasurer may
18 collect the payment of the officer by action, in the name of the office, and upon the
19 official bond of the officer, with interest at the rate of 12% per year from the date on
20 which it was due. In the case of the penalty assessment imposed by s. 757.05, the
21 law enforcement training fund assessment imposed by s. 165.87 (1), the crime
22 laboratories and drug law enforcement assessment imposed by s. 165.755, the driver
23 improvement surcharge imposed by s. 346.655 (1), any applicable consumer
24 information assessment imposed by s. 100.261, and any applicable domestic abuse

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

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.

8 **SECTION 39.** 66.0114 (3) (b) of the statutes is amended to read:

9 66.0114 (3) (b) All forfeitures and penalties recovered for the violation of an
 10 ordinance or bylaw of a city, village, town, town sanitary district, or public inland lake
 11 protection and rehabilitation district shall be paid into the city, village, town, town
 12 sanitary district, or public inland lake protection and rehabilitation district treasury
 13 for the use of the city, village, town, town sanitary district, or public inland lake
 14 protection and rehabilitation district, except as provided in par. (c), and sub. (1) (bm)
 15 and s. 757.05. The judge shall report and pay into the treasury, quarterly, or at more
 16 frequent intervals if required, all moneys collected belonging to the city, village,
 17 town, town sanitary district, or public inland lake protection and rehabilitation
 18 district. The report shall be certified and filed in the office of the treasurer. The judge
 19 is entitled to duplicate receipts, one of which he or she shall file with the city, village,
 20 or town clerk, or with the town sanitary district or the public inland lake protection
 21 and rehabilitation district.

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.

22 **SECTION 40.** 102.85 (5) (a) of the statutes is amended to read:

1 102.85 (5) (a) The payment of any judgment under this section may be
2 suspended or deferred for not more than 90 days in the discretion of the court. The
3 court shall suspend a judgment under this section upon the motion of the
4 department, if the department is satisfied that the employer's violation of s. 102.16
5 (3) or 102.28 (2) was beyond the employer's control and that the employer no longer
6 violates s. 102.16 (3) or 102.28 (2). In cases where a deposit has been made, any
7 forfeitures, penalty assessments, law enforcement training fund assessments, jail
8 assessments, uninsured employer assessments, and costs shall be taken out of the
9 deposit and the balance, if any, returned to the employer.

History: 1989 a. 64; 1993 a. 81; 1995 a. 201; 1997 a. 283.

10 **SECTION 41.** 102.87 (2) (e) of the statutes is amended to read:

11 102.87 (2) (e) The maximum forfeiture, penalty assessment, law enforcement
12 training fund assessment, jail assessment, crime laboratories and drug law
13 enforcement assessment, and any applicable uninsured employer assessment for
14 which the defendant is liable.

History: 1989 a. 64; 1997 a. 27; 1999 a. 14.

15 **SECTION 42.** 102.87 (2) (g) of the statutes is amended to read:

16 102.87 (2) (g) Notice that if the defendant makes a deposit and fails to appear
17 in court at the time specified in the citation, the failure to appear will be considered
18 tender of a plea of no contest and submission to a forfeiture, penalty assessment, law
19 enforcement training fund assessment, jail assessment, crime laboratories and drug
20 law enforcement assessment, and any applicable uninsured employer assessment
21 plus costs not to exceed the amount of the deposit. The notice shall also state that
22 the court, instead of accepting the deposit and plea, may decide to summon the

1 defendant or may issue an arrest warrant for the defendant upon failure to respond
2 to a summons.

History: 1989 a. 64; 1997 a. 27; 1999 a. 14.

3 **SECTION 43.** 102.87 (2) (h) of the statutes is amended to read:

4 102.87 (2) (h) Notice that if the defendant makes a deposit and signs the
5 stipulation, the stipulation will be treated as a plea of no contest and submission to
6 a forfeiture, penalty assessment, law enforcement training fund assessment, jail
7 assessment, crime laboratories and drug law enforcement assessment, and any
8 applicable uninsured employer assessment plus costs not to exceed the amount of the
9 deposit. The notice shall also state that the court, instead of accepting the deposit
10 and stipulation, may decide to summon the defendant or issue an arrest warrant for
11 the defendant upon failure to respond to a summons, and that the defendant may,
12 at any time before or at the time of the court appearance date, move the court for
13 relief from the effect of the stipulation.

History: 1989 a. 64; 1997 a. 27; 1999 a. 14.

14 **SECTION 44.** 102.87 (3) of the statutes is amended to read:

15 102.87 (3) A defendant issued a citation under this section may deposit the
16 amount of money that the issuing department deputy or officer directs by mailing or
17 delivering the deposit and a copy of the citation before the court appearance date to
18 the clerk of the circuit court in the county where the violation occurred, to the
19 department, or to the sheriff's office or police headquarters of the officer who issued
20 the citation. The basic amount of the deposit shall be determined under a deposit
21 schedule established by the judicial conference. The judicial conference shall
22 annually review and revise the schedule. In addition to the basic amount determined
23 by the schedule the deposit shall include the penalty assessment, law enforcement

1 training fund assessment, jail assessment, crime laboratories and drug law
2 enforcement assessment, any applicable uninsured employer assessment, and costs.

History: 1989 a. 64; 1997 a. 27; 1999 a. 14.

3 **SECTION 45.** 102.87 (4) of the statutes is amended to read:

4 102.87 (4) A defendant may make a stipulation of no contest by submitting a
5 deposit and a stipulation in the manner provided by sub. (3) before the court
6 appearance date. The signed stipulation is a plea of no contest and submission to a
7 forfeiture plus the penalty assessment, law enforcement training fund assessment,
8 jail assessment, crime laboratories and drug law enforcement assessment, any
9 applicable uninsured employers assessment, and costs not to exceed the amount of
10 the deposit.

History: 1989 a. 64; 1997 a. 27; 1999 a. 14.

11 **SECTION 46.** 102.87 (5) of the statutes is amended to read:

12 102.87 (5) Except as provided by sub. (6), a person receiving a deposit shall
13 prepare a receipt in triplicate showing the purpose for which the deposit is made,
14 stating that the defendant may inquire at the office of the clerk of the circuit court
15 regarding the disposition of the deposit, and notifying the defendant that if he or she
16 fails to appear in court at the time specified in the citation he or she shall be
17 considered to have tendered a plea of no contest and submitted to a forfeiture,
18 penalty assessment, law enforcement training fund assessment, jail assessment,
19 crime laboratories and drug law enforcement assessment, and any applicable
20 uninsured employer assessment plus costs not to exceed the amount of the deposit
21 and that the court may accept the plea. The original of the receipt shall be delivered
22 to the defendant in person or by mail. If the defendant pays by check, the canceled
23 check is the receipt.

History: 1989 a. 64; 1997 a. 27; 1999 a. 14.

24 **SECTION 47.** 102.87 (6) of the statutes is amended to read:

1 102.87 (6) The person receiving a deposit and stipulation of no contest shall
2 prepare a receipt in triplicate showing the purpose for which the deposit is made,
3 stating that the defendant may inquire at the office of the clerk of the circuit court
4 regarding the disposition of the deposit, and notifying the defendant that if the
5 stipulation of no contest is accepted by the court the defendant will be considered to
6 have submitted to a forfeiture, penalty assessment, law enforcement training fund
7 assessment, jail assessment, crime laboratories and drug law enforcement
8 assessment, and applicable uninsured employer assessment plus costs not to exceed
9 the amount of the deposit. Delivery of the receipt shall be made in the same manner
10 as provided in sub. (5).

11 History: 1989 a. 64; 1997 a. 27; 1999 a. 14.

11 SECTION 48. 102.87 (7) (b) of the statutes is amended to read:

12 102.87 (7) (b) If the defendant has made a deposit, the citation may serve as
13 the initial pleading and the defendant shall be considered to have tendered a plea
14 of no contest and submitted to a forfeiture, penalty assessment, law enforcement
15 training fund assessment, jail assessment, crime laboratories and drug law
16 enforcement assessment, and any applicable uninsured employer assessment plus
17 costs not to exceed the amount of the deposit. The court may either accept the plea
18 of no contest and enter judgment accordingly, or reject the plea and issue a summons.
19 If the defendant fails to appear in response to the summons, the court shall issue an
20 arrest warrant. If the court accepts the plea of no contest, the defendant may, within
21 90 days after the date set for appearance, move to withdraw the plea of no contest,
22 open the judgment, and enter a plea of not guilty if the defendant shows to the
23 satisfaction of the court that failure to appear was due to mistake, inadvertence,
24 surprise or excusable neglect. If a defendant is relieved from the plea of no contest,

1 the court may order a written complaint or petition to be filed. If on reopening the
2 defendant is found not guilty, the court shall delete the record of conviction and shall
3 order the defendant's deposit returned.

History: 1989 a. 64; 1997 a. 27; 1999 a. 14.

4 **SECTION 49.** 102.87 (7) (c) of the statutes is amended to read:

5 102.87 (7) (c) If the defendant has made a deposit and stipulation of no contest,
6 the citation serves as the initial pleading and the defendant shall be considered to
7 have tendered a plea of no contest and submitted to a forfeiture, penalty assessment,
8 law enforcement training fund assessment, jail assessment, crime laboratories and
9 drug law enforcement assessment, and any applicable uninsured employer
10 assessment plus costs not to exceed the amount of the deposit. The court may either
11 accept the plea of no contest and enter judgment accordingly, or reject the plea and
12 issue a summons or an arrest warrant. After signing a stipulation of no contest, the
13 defendant may, at any time before or at the time of the court appearance date, move
14 the court for relief from the effect of the stipulation. The court may act on the motion,
15 with or without notice, for cause shown by affidavit and upon just terms, and relieve
16 the defendant from the stipulation and the effects of the stipulation.

History: 1989 a. 64; 1997 a. 27; 1999 a. 14.

17 **SECTION 50.** 102.87 (9) of the statutes is amended to read:

18 102.87 (9) A department deputy or an officer who collects a forfeiture, penalty
19 assessment, law enforcement training fund assessment, jail assessment, crime
20 laboratories and drug law enforcement assessment, applicable uninsured employer
21 assessment, and costs under this section shall pay the money to the county treasurer
22 within 20 days after its receipt. If the department deputy or officer fails to make
23 timely payment, the county treasurer may collect the payment from the department
24 deputy or officer by an action in the treasurer's name of office and upon the official

1 bond of the department deputy or officer, with interest at the rate of 12% per year
2 from the time when it should have been paid.

History: 1989 a. 64; 1997 a. 27; 1999 a. 14.

3 **SECTION 51.** 165.755 (4) of the statutes is amended to read:

4 165.755 (4) If a municipal court imposes a forfeiture, after determining the
5 amount due under sub. (1) (a) the court shall collect and transmit such amount to the
6 treasurer of the county, city, town or village, and that treasurer shall make payment
7 to the state treasurer as provided in s. 66.0114 (1) (b) (bm).

History: 1997 a. 27; 1999 a. 9, 72; 1999 a. 150 s. 672.

8 **SECTION 52.** 165.87 of the statutes is created to read:

9 **165.87 Law enforcement training fund assessment.** (1) LEVY OF
10 ASSESSMENT. (a) Whenever a court imposes a fine or forfeiture for a violation of state
11 law or for a violation of a municipal or county ordinance except for a violation of s.
12 101.123 (2) (a), (am) 1., (ar), or (bm) or (5) or state laws or municipal or county
13 ordinances involving nonmoving traffic violations or safety belt use violations under
14 s. 347.48 (2m), there shall be imposed in addition a law enforcement training fund
15 assessment in an amount of 11% of the fine or forfeiture imposed. If multiple offenses
16 are involved, the assessment shall be based upon the total fine or forfeiture for all
17 offenses. When a fine or forfeiture is suspended in whole or in part, the assessment
18 shall be reduced in proportion to the suspension.

19 (b) If a fine or forfeiture is imposed by a court of record, after a determination
20 by the court of the amount due, the clerk of the court shall collect and transmit the
21 amount to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer
22 shall then make payment to the state treasurer as provided in s. 59.25 (3) (f) 2.

23 (c) If a fine or forfeiture is imposed by a municipal court, after a determination
24 by the court of the amount due, the court shall collect and transmit the amount to

1 the treasurer of the county, city, town, or village, and that treasurer shall make
2 payment to the state treasurer as provided in s. 66.0114 (1) (bm).

3 (d) If any deposit of bail is made for a noncriminal offense to which this
4 applies, the person making the deposit shall also deposit a sufficient amount to
5 include the assessment prescribed in this subsection for forfeited bail. If bail is forfeited,
6 the amount of the assessment shall be transmitted monthly to the state treasurer
7 under this subsection. If bail is returned, the assessment shall also be returned.

8 SECTION 53. 345.26 (1) (b) 1. of the statutes is amended to read:

9 345.26 (1) (b) 1. If the person makes a deposit for a violation of a traffic
10 regulation, the person need not appear in court at the time fixed in the citation, and
11 the person will be deemed to have tendered a plea of no contest and submitted to a
12 forfeiture and a penalty assessment, if required by s. 757.05, a law enforcement
13 training fund assessment, if required by s. 165.87 (1), a jail assessment, if required
14 by s. 302.46 (1), a railroad crossing improvement assessment, if required by s.
15 346.177, 346.495 or 346.65 (4r), and a crime laboratories and drug law enforcement
16 assessment, if required by s. 165.755, plus any applicable fees prescribed in ch. 814,
17 not to exceed the amount of the deposit that the court may accept as provided in s.
18 345.37; and

History: 1971 c. 278; 1973 c. 218, 228, 336; 1977 c. 29; 1977 c. 305 s. 64; 1977 c. 449; 1981 c. 165 s. 20; 1981 c. 317; 1985 a. 29, 332; 1987 a. 27, 399; 1989 a. 107, 170,
359; 1991 a. 39; 1993 a. 16; 1997 a. 27, 135, 237; 1999 a. 9.

19 SECTION 54. 345.26 (2) (b) of the statutes is amended to read:

20 345.26 (2) (b) In addition to the amount in par. (a), the deposit shall include
21 court costs, including any applicable fees prescribed in ch. 814, any applicable
22 penalty assessment, any applicable law enforcement training fund assessment, any
23 applicable jail assessment, any applicable railroad crossing improvement

1 assessment, and any applicable crime laboratories and drug law enforcement
2 assessment.

History: 1971 c. 278; 1973 c. 218, 228, 336; 1977 c. 29; 1977 c. 305 s. 64; 1977 c. 449; 1981 c. 165 s. 20; 1981 c. 317; 1985 a. 29, 332; 1987 a. 27, 399; 1989 a. 107, 170, 359; 1991 a. 39; 1993 a. 16; 1997 a. 27, 135, 237; 1999 a. 9.

3 **SECTION 55.** 345.36 (2) (b) of the statutes is amended to read:

4 345.36 (2) (b) Deem the nonappearance a plea of no contest and enter judgment
5 accordingly. If the defendant has posted bond for appearance at that date, the court
6 may also order the bond forfeited. The court shall promptly mail a copy of the
7 judgment to the defendant. The judgment shall allow not less than 20 days from the
8 date thereof for payment of any forfeiture, penalty assessment, law enforcement
9 training fund assessment, jail assessment, railroad crossing improvement
10 assessment, crime laboratories and drug law enforcement assessment, and costs
11 imposed. If the defendant moves to open the judgment within 20 days after the date
12 set for trial, and shows to the satisfaction of the court that the failure to appear was
13 due to mistake, inadvertence, surprise, or excusable neglect, the court shall open the
14 judgment, reinstate the not guilty plea, and set a new trial date. The court may
15 impose costs under s. 814.07. The court shall immediately notify the department to
16 delete the record of conviction based upon the original judgment.

History: 1971 c. 278; 1983 a. 231; 1987 a. 27; 1991 a. 39; 1993 a. 16; 1997 a. 27, 135.

17 **SECTION 56.** 345.37 (1) (b) of the statutes is amended to read:

18 345.37 (1) (b) Deem the nonappearance a plea of no contest and enter judgment
19 accordingly. If the defendant has posted bond for appearance at that date, the court
20 may also order the bond forfeited. The court shall promptly mail a copy or notice of
21 the judgment to the defendant. The judgment shall allow not less than 20 days from
22 the date thereof for payment of any forfeiture, penalty assessment, law enforcement
23 training fund assessment, railroad crossing improvement assessment, crime
24 laboratories and drug law enforcement assessment, and costs imposed. If the

1 defendant moves to open the judgment within 6 months after the court appearance
 2 date fixed in the citation, and shows to the satisfaction of the court that the failure
 3 to appear was due to mistake, inadvertence, surprise, or excusable neglect, the court
 4 shall open the judgment, accept a not guilty plea, and set a trial date. The court may
 5 impose costs under s. 814.07. The court shall immediately notify the department to
 6 delete the record of conviction based upon the original judgment. If the offense
 7 involved is a nonmoving traffic violation and the defendant is subject to s. 345.28 (5)
 8 (c), a default judgment may be entered and opened as provided in s. 345.28 (5) (c).

History: 1971 c. 278; 1973 c. 218; 1975 c. 231, 421; 1977 c. 29 ss. 1472 to 1475, 1654 (7) (a), (c); 1977 c. 273, 305; 1981 c. 317; 1985 a. 29; 1987 a. 27, 267, 399; 1989 a. 107, 170; 1991 a. 39; 1993 a. 16; 1997 a. 27, 135, 237; 1999 a. 9.

9 **SECTION 57.** 345.37 (2) of the statutes is amended to read:

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

1 If on reopening the defendant is found not guilty, the court shall immediately notify
2 the department to delete the record of conviction based on the original proceeding
3 and shall order the defendant's deposit returned.

History: 1971 c. 278; 1973 c. 218; 1975 c. 231, 421; 1977 c. 29 ss. 1472 to 1475, 1654 (7) (a), (c); 1977 c. 273, 305; 1981 c. 317; 1985 a. 29; 1987 a. 27, 267, 399; 1989 a. 107, 170; 1991 a. 39; 1993 a. 16; 1997 a. 27, 135, 237; 1999 a. 9.

4 **SECTION 58.** 345.37 (5) of the statutes is amended to read:

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

History: 1971 c. 278; 1973 c. 218; 1975 c. 231, 421; 1977 c. 29 ss. 1472 to 1475, 1654 (7) (a), (c); 1977 c. 273, 305; 1981 c. 317; 1985 a. 29; 1987 a. 27, 267, 399; 1989 a. 107, 170; 1991 a. 39; 1993 a. 16; 1997 a. 27, 135, 237; 1999 a. 9.

13 **SECTION 59.** 345.375 (2) of the statutes is amended to read:

14 345.375 (2) Upon default of the defendant corporation or limited liability
15 company or upon conviction, judgment for the amount of the forfeiture, the penalty
16 assessment, if required under s. 757.05, the law enforcement training fund
17 assessment, if required under s. 165.87 (1), the jail assessment, if required by s.
18 302.46 (1), and the crime laboratories and drug law enforcement assessment, if
19 required under s. 165.755, shall be entered.

History: 1973 c. 218; 1977 c. 29; 1987 a. 27; 1989 a. 107; 1993 a. 112; 1997 a. 27; 1999 a. 9.

20 **SECTION 60.** 345.47 (1) (intro.) of the statutes is amended to read:

21 345.47 (1) (intro.) If the defendant is found guilty, the court may enter
22 judgment against the defendant for a monetary amount not to exceed the maximum
23 forfeiture, penalty assessment, if required by s. 757.05, the law enforcement training

1 fund assessment, if required by s. 165.87 (1), the jail assessment, if required by s.
2 302.46 (1), the railroad crossing improvement assessment, if required by s. 346.177,
3 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement
4 assessment, if required by s. 165.755, provided for the violation and for costs under
5 s. 345.53 and, in addition, may suspend or revoke his or her operating privilege under
6 s. 343.30. If the judgment is not paid, the court shall order:

History: 1971 c. 278; 1973 c. 218; 1977 c. 29 ss. 1477 to 1482, 1654 (7) (c); 1979 c. 34; 1981 c. 165; 1987 a. 27, 389; 1989 a. 31, 107; 1991 a. 34, 39, 189; 1993 a. 16; 1995 a. 269; 1997 a. 27, 84, 135, 237, 252; 1999 a. 9, 32, 185.

7 **SECTION 61.** 345.47 (1) (b) of the statutes is amended to read:

8 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension
9 or revocation, that the defendant's operating privilege be suspended. The operating
10 privilege shall be suspended for 30 days or until the person pays the forfeiture, the
11 penalty assessment, if required by s. 757.05, the law enforcement training fund
12 assessment, if required by s. 165.87 (1), the jail assessment, if required by s. 302.46
13 (1), the railroad crossing improvement assessment, if required by s. 346.177, 346.495
14 or 346.65 (4r), and the crime laboratories and drug law enforcement assessment, if
15 required by s. 165.755, but not to exceed 2 years. Suspension under this paragraph
16 shall not affect the power of the court to suspend or revoke under s. 343.30 or the
17 power of the secretary to suspend or revoke the operating privilege. This paragraph
18 does not apply if the judgment was entered solely for violation of an ordinance
19 unrelated to the violator's operation of a motor vehicle.

History: 1971 c. 278; 1973 c. 218; 1977 c. 29 ss. 1477 to 1482, 1654 (7) (c); 1979 c. 34; 1981 c. 165; 1987 a. 27, 389; 1989 a. 31, 107; 1991 a. 34, 39, 189; 1993 a. 16; 1995 a. 269; 1997 a. 27, 84, 135, 237, 252; 1999 a. 9, 32, 185.

20 **SECTION 62.** 345.47 (1) (c) of the statutes is amended to read:

21 345.47 (1) (c) If a court or judge suspends an operating privilege under this
22 section, the court or judge shall immediately take possession of the suspended license
23 and shall forward it to the department together with the notice of suspension, which

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

History: 1971 c. 278; 1973 c. 218; 1977 c. 29 ss. 1477 to 1482, 1654 (7) (c); 1979 c. 34; 1981 c. 165; 1987 a. 27, 389; 1989 a. 31, 107; 1991 a. 34, 39, 189; 1993 a. 16; 1995 a. 269; 1997 a. 27, 84, 135, 237, 252; 1999 a. 9, 32, 185.

14 **SECTION 63.** 345.47 (2) of the statutes is amended to read:

15 345.47 (2) The payment of any judgment may be suspended or deferred for not
 16 more than 60 days in the discretion of the court. In cases where a deposit has been
 17 made, any forfeitures, penalty assessments, law enforcement training fund
 18 assessments, jail assessments, railroad crossing improvement assessments, crime
 19 laboratories and drug law enforcement assessments, and costs shall be taken out of
 20 the deposit and the balance, if any, returned to the defendant.

History: 1971 c. 278; 1973 c. 218; 1977 c. 29 ss. 1477 to 1482, 1654 (7) (c); 1979 c. 34; 1981 c. 165; 1987 a. 27, 389; 1989 a. 31, 107; 1991 a. 34, 39, 189; 1993 a. 16; 1995 a. 269; 1997 a. 27, 84, 135, 237, 252; 1999 a. 9, 32, 185.

21 **SECTION 64.** 345.47 (3) of the statutes is amended to read:

22 345.47 (3) When a defendant is imprisoned for nonpayment of a forfeiture, a
 23 penalty assessment, a law enforcement training fund assessment, a jail assessment,

1 a railroad crossing improvement assessment, or a crime laboratories and drug law
2 enforcement assessment for an action brought by a municipality located in more
3 than one county, any commitment to a county institution shall be to the county in
4 which the action was tried.

History: 1971 c. 278; 1973 c. 218; 1977 c. 29 ss. 1477 to 1482, 1654 (7) (c); 1979 c. 34; 1981 c. 165; 1987 a. 27, 389; 1989 a. 31, 107; 1991 a. 34, 39, 189; 1993 a. 16; 1995 a. 269; 1997 a. 27, 84, 135, 237, 252; 1999 a. 9, 32, 185.

5 **SECTION 65.** 345.49 (1) of the statutes is amended to read:

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

History: 1971 c. 278; 1977 c. 29; 1987 a. 27; 1989 a. 107; 1991 a. 39; 1993 a. 16; 1997 a. 27, 135, 237; 1999 a. 9.

17 **SECTION 66.** 345.49 (2) of the statutes is amended to read:

18 345.49 (2) Any person who is subject to imprisonment under s. 345.47 for
19 nonpayment of a forfeiture, penalty assessment, law enforcement training fund
20 assessment, jail assessment, railroad crossing improvement assessment, or crime
21 laboratories and drug law enforcement assessment may be placed on probation to
22 some person satisfactory to the court for not more than 90 days or until the forfeiture,
23 penalty assessment, law enforcement training fund assessment, jail assessment,
24 railroad crossing improvement assessment, or crime laboratories and drug law

1 enforcement assessment is paid if that is done before expiration of the 90-day period.
2 The payment of the forfeiture, penalty assessment, law enforcement training fund
3 assessment, jail assessment, railroad crossing improvement assessment, or crime
4 laboratories and drug law enforcement assessment during that period shall be a
5 condition of the probation. If the forfeiture, penalty assessment, law enforcement
6 training fund assessment, jail assessment, railroad crossing improvement
7 assessment, or crime laboratories and drug law enforcement assessment is not paid
8 or the court deems that the interests of justice require, probation may be terminated
9 and the defendant imprisoned as provided in sub. (1) or s. 345.47.

History: 1971 c. 278; 1977 c. 29; 1987 a. 27; 1989 a. 107; 1991 a. 39; 1993 a. 16; 1997 a. 27, 135, 237; 1999 a. 9.

10 **SECTION 67.** 345.61 (2) (c) of the statutes is amended to read:

11 345.61 (2) (c) "Guaranteed arrest bond certificate" as used in this section means
12 any printed card or other certificate issued by an automobile club, association or
13 insurance company to any of its members or insureds, which card or certificate is
14 signed by the member or insureds and contains a printed statement that the
15 automobile club, association or insurance company and a surety company, or an
16 insurance company authorized to transact both automobile liability insurance and
17 surety business, guarantee the appearance of the persons whose signature appears
18 on the card or certificate and that they will in the event of failure of the person to
19 appear in court at the time of trial, pay any fine or forfeiture imposed on the person,
20 including the penalty assessment required by s. 757.05, the law enforcement
21 training fund assessment required by s. 165.87 (1), the jail assessment required by
22 s. 302.46 (1), the railroad crossing improvement assessment required by s. 346.177,
23 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement

1 assessment required by s. 165.755, in an amount not exceeding \$200, or \$1,000 as
2 provided in sub. (1) (b).

3 History: 1977 c. 29; 1987 a. 27; 1989 a. 107; 1991 a. 39, 316; 1993 a. 16; 1997 a. 27, 135, 237; 1999 a. 9.

3 **SECTION 68.** 346.655 (1) of the statutes is amended to read:

4 346.655 (1) If a court imposes a fine or a forfeiture for a violation of s. 346.63
5 (1) or (5), or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25,
6 or s. 940.09 where the offense involved the use of a vehicle, it shall impose a driver
7 improvement surcharge in an amount of \$345 in addition to the fine or forfeiture,
8 penalty assessment, law enforcement training fund assessment, jail assessment,
9 and crime laboratories and drug law enforcement assessment.

10 History: 1981 c. 20; 1981 c. 314; 1983 a. 27 s. 2202 (20); 1985 a. 29, 337; 1987 a. 3, 27, 399; 1989 a. 31, 105; 1991 a. 39; 1993 a. 16; 1995 a. 27, 201; 1997 a. 27; 1999 a. 109; 1999 a. 150 s. 672.

10 **SECTION 69.** 346.655 (2) (b) of the statutes is amended to read:

11 346.655 (2) (b) If the forfeiture is imposed by a municipal court, the court shall
12 transmit the amount to the treasurer of the county, city, town[✓] or village, and that
13 treasurer shall make payment of 38.5% of the amount to the state treasurer as
14 provided in s. 66.0114 (1) (b) (~~bm~~[✓]). The treasurer of the city, town[✓] or village shall
15 transmit the remaining 61.5% of the amount to the treasurer of the county.

16 History: 1981 c. 20; 1981 c. 314; 1983 a. 27 s. 2202 (20); 1985 a. 29, 337; 1987 a. 3, 27, 399; 1989 a. 31, 105; 1991 a. 39; 1993 a. 16; 1995 a. 27, 201; 1997 a. 27; 1999 a. 109; 1999 a. 150 s. 672.

16 **SECTION 70.** 757.05 (1) (a) of the statutes is amended to read:

17 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of
18 state law or for a violation of a municipal or county ordinance except for a violation
19 of s. 101.123 (2) (a), (am) 1., (ar), or (bm) or (5) or state laws or municipal or county
20 ordinances involving nonmoving traffic violations or safety belt use violations under
21 s. 347.48 (2m), there shall be imposed in addition a penalty assessment in an amount
22 of ~~23%~~ 13% of the fine or forfeiture imposed. If multiple offenses are involved, the
23 penalty assessment shall be based upon the total fine or forfeiture for all offenses.

1 When a fine or forfeiture is suspended in whole or in part, the penalty assessment
2 shall be reduced in proportion to the suspension.

3 History: 1999 a. 9 ss. 2292m, 2298, 3050m to 3050o; 1999 a. 72 s. 6; 1999 a. 150 s. 672.

3 SECTION 71. 757.05 (1) (b) of the statutes is amended to read:

4 757.05 (1) (b) If a fine or forfeiture is imposed by a court of record, after a
5 determination by the court of the amount due, the clerk of the court shall collect and
6 transmit ~~such~~ the amount to the county treasurer as provided in s. 59.40 (2) (m). The
7 county treasurer shall then make payment to the state treasurer as provided in s.
8 59.25 (3) (f) 2.

9 History: 1999 a. 9 ss. 2292m, 2298, 3050m to 3050o; 1999 a. 72 s. 6; 1999 a. 150 s. 672.

9 SECTION 72. 757.05 (1) (c) of the statutes is amended to read:

10 757.05 (1) (c) If a fine or forfeiture is imposed by a municipal court, after a
11 determination by the court of the amount due, the court shall collect and transmit
12 ~~such~~ the amount to the treasurer of the county, city, town^v or village, and that
13 treasurer shall make payment to the state treasurer as provided in s. 66.0114 (1) (b)

14 (bm) ✓
→ Insert 41-14 ✓

15 History: 1999 a. 9 ss. 2292m, 2298, 3050m to 3050o; 1999 a. 72 s. 6; 1999 a. 150 s. 672.

15 SECTION 73. 757.05 (2) (title) of the statutes is repealed.

16 SECTION 74. 757.05 (2) (a) of the statutes is renumbered 165.87 (2) and
17 amended to read:

(CS) - No (I)

18 165.87 (2) ~~Law enforcement training fund~~ USE OF ASSESSMENT MONEYS (CS)
19 ~~Twenty seven fifty-fifths of all~~ All moneys collected from penalty law enforcement
20 training fund assessments under sub. (1) shall be credited to the appropriation
21 account under s. 20.455 (2) (i) and utilized in accordance with ss. 20.455 (2) and
22 165.85 (5). The moneys credited to the appropriation account under s. 20.455 (2) (i),

1 except for the moneys transferred to s. 20.455 (2) (jb), constitute the law enforcement
2 training fund.

3 History: 1999 a. 9 ss. 2292m, 2298, 3050m to 3050o; 1999 a. 72 s. 6; 1999 a. 150 s. 672.

3 **SECTION 75.** 757.05 (2) (b) of the statutes is renumbered 757.05 (2) and
4 amended to read:

5 **757.05 (2) ~~OTHER PURPOSES~~ USE OF PENALTY ASSESSMENT MONEYS.** The moneys
6 collected from penalty assessments under sub. (1) ~~that remain after crediting the~~
7 ~~appropriation account specified in par. (a)~~ shall be credited to the appropriation
8 account under s. 20.505 (6) (j) and transferred as provided under s. 20.505 (6) (j).

9 History: 1999 a. 9 ss. 2292m, 2298, 3050m to 3050o; 1999 a. 72 s. 6; 1999 a. 150 s. 672.

9 **SECTION 76.** 778.02 of the statutes is amended to read:

10 **778.02 Action in name of state; complaint; attachment.** Every such
11 forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to
12 allege in the complaint that the defendant is indebted to the plaintiff in the amount
13 of the forfeiture claimed, according to the provisions of the statute that imposes it,
14 specifying the statute and for the penalty assessment imposed by s. 757.05, the law
15 enforcement training fund assessment imposed by s. 165.87 (1), the jail assessment
16 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
17 assessment imposed by s. 165.755, the enforcement assessment imposed under s.
18 253.06 (4) (c) or (5) (c), any applicable consumer information assessment imposed by
19 s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1).
20 If the statute imposes a forfeiture for several offenses or delinquencies the complaint
21 shall specify the particular offense or delinquency for which the action is brought,
22 with a demand for judgment for the amount of the forfeiture, penalty assessment,
23 law enforcement training fund assessment, jail assessment, crime laboratories and
24 drug law enforcement assessment, any applicable enforcement assessment, any

1 applicable consumer information assessment, and any applicable domestic abuse
2 assessment. If the defendant is a nonresident of the state, an attachment may issue.

3 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.

3 **SECTION 77.** 778.03 of the statutes is amended to read:

4 **778.03 Complaint to recover forfeited goods.** In an action to recover
5 property forfeited by any statute it shall be sufficient to allege in the complaint that
6 the property has been forfeited, specifying the statute, with a demand of judgment
7 for the delivery of the property, or the value thereof and for payment of the penalty
8 assessment imposed by s. 757.05, the law enforcement training fund assessment
9 imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime
10 laboratories and drug law enforcement assessment imposed by s. 165.755, the
11 enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable
12 consumer information assessment imposed by s. 100.261, and any applicable
13 domestic abuse assessment imposed by s. 973.055 (1).

14 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.

14 **SECTION 78.** 778.06 of the statutes is amended to read:

15 **778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a
16 specific sum or when it is not less than one sum or more than another, the action may
17 be brought for the highest sum specified and for the penalty assessment imposed by
18 s. 757.05, the law enforcement training fund assessment imposed by s. 165.87 (1), the
19 jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law
20 enforcement assessment imposed by s. 165.755, the enforcement assessment
21 imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer information
22 assessment imposed by s. 100.261, and any applicable domestic abuse assessment

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

3 SECTION 79. 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^v 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^v 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 law enforcement training fund
11 assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the
12 crime laboratories and drug law enforcement assessment imposed by s. 165.755, any
13 applicable consumer information assessment imposed by s. 100.261, and any
14 applicable domestic abuse assessment imposed by s. 973.055 (1). If the ordinance or
15 regulation imposes a penalty or forfeiture for several offenses or delinquencies the
16 complaint shall specify the particular offenses or delinquency for which the action
17 is brought, with a demand for judgment for the amount of the forfeiture, the penalty
18 assessment imposed by s. 757.05, the law enforcement training fund assessment
19 imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime
20 laboratories and drug law enforcement assessment imposed by s. 165.755, any
21 applicable consumer information assessment imposed by s. 100.261, and any
22 applicable domestic abuse assessment imposed by s. 973.055 (1). All moneys
23 collected on the judgment shall be paid to the treasurer of the county, town, city,

1 village, or corporation, except that all jail assessments shall be paid to the county
2 treasurer.

3 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.

3 **SECTION 80.** 778.105 of the statutes is amended to read:

4 **778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by
5 any court or any branch thereof for the violation of any municipal or county
6 ordinance shall be paid to the municipality or county. Penalty assessment payments
7 shall be made as provided in s. 757.05. Law enforcement training fund assessment
8 payments shall be made as provided in s. 165.87 (1). Jail assessment payments shall
9 be made as provided in s. 302.46 (1). Crime laboratories and drug law enforcement
10 assessment payments shall be paid as provided in s. 165.755. Domestic abuse
11 assessments shall be made as provided in s. 973.055. Consumer information
12 assessment payments shall be made as provided in s. 100.261.

13 History: 1977 c. 29; 1979 c. 32 s. 56; Stats. 1979 s. 778.105; 1987 a. 27; 1989 a. 107; 1991 a. 39; 1993 a. 16; 1997 a. 27; 1999 a. 9.

13 **SECTION 81.** 778.13 of the statutes is amended to read:

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

1 provided in s. 165.755. Domestic abuse assessments shall be made as provided in s.
2 973.055. Enforcement assessments shall be made as provided in s. 253.06 (4) (c).
3 Consumer information assessment payments shall be made as provided in s.
4 100.261.

History: 1977 c. 29; 1979 c. 32 s. 56; 1979 c. 110 s. 60 (13); 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.

5 **SECTION 82.** 778.18 of the statutes is amended to read:

6 **778.18 Penalty upon municipal judge.** If any municipal judge, of his or her
7 own will, dismisses any action brought before the judge under this chapter, unless
8 by order of the district attorney or attorney general or the person joined as plaintiff
9 with the state, or renders a less judgment therein than is prescribed by law, or
10 releases or discharges any such judgment or part thereof without payment or
11 collection, the judge and the judge's sureties shall be liable, in an action upon the
12 judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture
13 imposed by the judge and for the penalty assessment imposed by s. 757.05, the law
14 enforcement training fund assessment imposed by s. 165.87 (1), the jail assessment
15 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
16 assessment imposed by s. 165.755, any applicable consumer information assessment
17 imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s.
18 973.055 (1), or for an amount equal to the amount in which any such judgment or any
19 part thereof is released or discharged. If any municipal judge gives time or delay to
20 any person against whom any such judgment is rendered by the judge, or takes any
21 bond or security for its future payment, the judge and the judge's sureties shall also
22 be liable for the payment of the 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.

23 **SECTION 83.** 778.25 (2) (g) of the statutes is amended to read:

1 778.25 (2) (g) Notice that² if the defendant makes a deposit and fails to appear
2 in court at the time fixed in the citation,[✓] the failure to appear will be considered
3 tender of a plea of no contest and submission to a forfeiture, penalty assessment, law
4 enforcement training fund assessment, jail assessment, and crime laboratories and
5 drug law enforcement assessment plus costs, including any applicable fees
6 prescribed in ch. 814, not to exceed the amount of the deposit. The notice shall also
7 state that the court may decide to summon the defendant or, if the defendant is an
8 adult, issue an arrest warrant for the defendant rather than accept the deposit and
9 plea.

History: 1979 c. 331, 359; 1981 c. 79 s. 18; 1981 c. 317; 1983 a. 74 ss. 30, 32; 1983 a. 336; 1985 a. 254; 1987 a. 27, 336, 399; 1989 a. 31, 121, 179; 1991 a. 134, 194; 1995 a. 77, 174, 352, 448; 1997 a. 27, 288, 290; 1999 a. 9.

10 **SECTION 84.** 778.25 (3) of the statutes is amended to read:

11 778.25 (3) If a person is issued a citation under this section the person may
12 deposit the amount of money the issuing agent or officer directs by mailing or
13 delivering the deposit and a copy of the citation to the clerk of court of the county
14 where the violation occurred or the office or headquarters of the agent or officer who
15 issued the citation prior to the court appearance date. The basic amount of the
16 deposit shall be determined under a deposit schedule established by the judicial
17 conference. The judicial conference shall annually review and revise the schedule.
18 In addition to the basic amount determined by the schedule the deposit shall include
19 costs, including any applicable fees prescribed in ch. 814, penalty assessment, law
20 enforcement training fund assessment, jail assessment, and crime laboratories and
21 drug law enforcement assessment.

History: 1979 c. 331, 359; 1981 c. 79 s. 18; 1981 c. 317; 1983 a. 74 ss. 30, 32; 1983 a. 336; 1985 a. 254; 1987 a. 27, 336, 399; 1989 a. 31, 121, 179; 1991 a. 134, 194; 1995 a. 77, 174, 352, 448; 1997 a. 27, 288, 290; 1999 a. 9.

22 **SECTION 85.** 778.25 (5) of the statutes is amended to read:

1 778.25 (5) A person receiving a deposit shall prepare a receipt in triplicate
2 showing the purpose for which the deposit is made, stating that the defendant may
3 inquire at the office of the clerk of court regarding the disposition of the deposit, and
4 notifying the defendant that if he or she fails to appear in court at the time fixed in
5 the citation he or she will be deemed to have tendered a plea of no contest and
6 submitted to a forfeiture, penalty assessment, law enforcement training fund
7 assessment, jail assessment, and crime laboratories and drug law enforcement
8 assessment plus costs, including any applicable fees prescribed in ch. 814, not to
9 exceed the amount of the deposit which the court may accept. The original of the
10 receipt shall be delivered to the defendant in person or by mail. If the defendant pays
11 by check, the check is the receipt.

History: 1979 c. 331, 359; 1981 c. 79 s. 18; 1981 c. 317; 1983 a. 74 ss. 30, 32; 1983 a. 336; 1985 a. 254; 1987 a. 27, 336, 399; 1989 a. 31, 121, 179; 1991 a. 134, 194; 1995 a. 77, 174, 352, 448; 1997 a. 27, 288, 290; 1999 a. 9.

12 **SECTION 86.** 778.25 (8) (b) of the statutes is amended to read:

13 778.25 (8) (b) If the defendant has made a deposit, the citation may serve as
14 the initial pleading and the defendant shall be considered to have tendered a plea
15 of no contest and submitted to a forfeiture, penalty assessment, law enforcement
16 training fund assessment, jail assessment, and crime laboratories and drug law
17 enforcement assessment plus costs, including any applicable fees prescribed in ch.
18 814, not exceeding the amount of the deposit. The court may either accept the plea
19 of no contest and enter judgment accordingly, or reject the plea and issue a summons
20 or arrest warrant, except if the defendant is a minor the court shall proceed under
21 s. 938.28. Chapter 938 governs taking and holding a minor in custody. If the court
22 accepts the plea of no contest, the defendant may move within 90 days after the date
23 set for appearance to withdraw the plea of no contest, open the judgment, and enter
24 a plea of not guilty if the defendant shows to the satisfaction of the court that failure

1 to appear was due to mistake, inadvertence, surprise, or excusable neglect. If a party
2 is relieved from the plea of no contest, the court or judge may order a written
3 complaint or petition to be filed. If on reopening the defendant is found not guilty,
4 the court shall delete the record of conviction and shall order the defendant's deposit
5 returned.

History: 1979 c. 331, 359; 1981 c. 79 s. 18; 1981 c. 317; 1983 a. 74 ss. 30, 32; 1983 a. 336; 1985 a. 254; 1987 a. 27, 336, 399; 1989 a. 31, 121, 179; 1991 a. 134, 194; 1995 a. 77, 174, 352, 448; 1997 a. 27, 288, 290; 1999 a. 9.

6 **SECTION 87. 778.25 (10) of the statutes is amended to read:**

7 **778.25 (10)** An officer collecting moneys for a forfeiture, penalty assessment,
8 law enforcement training fund assessment, jail assessment, crime laboratories and
9 drug law enforcement assessment, and costs under this section shall pay the same
10 to the appropriate municipal or county treasurer within 20 days after its receipt by
11 the officer, except that all jail assessments shall be paid to the county treasurer. If
12 the officer fails to make timely payment, the municipal or county treasurer may
13 collect the payment from the officer by an action in the treasurer's name of office and
14 upon the official bond of the officer, with interest at the rate of 12% per year from the
15 time when it should have been paid.

History: 1979 c. 331, 359; 1981 c. 79 s. 18; 1981 c. 317; 1983 a. 74 ss. 30, 32; 1983 a. 336; 1985 a. 254; 1987 a. 27, 336, 399; 1989 a. 31, 121, 179; 1991 a. 134, 194; 1995 a. 77, 174, 352, 448; 1997 a. 27, 288, 290; 1999 a. 9.

16 **SECTION 88. 778.26 (2) (e) of the statutes is amended to read:**

17 **778.26 (2) (e)** The maximum forfeiture, penalty assessment, law enforcement
18 training fund assessment, jail assessment, [√]and crime laboratories and drug law
19 enforcement assessment for which the defendant is liable.

History: 1983 a. 418; 1987 a. 27; 1997 a. 27.

20 **SECTION 89. 778.26 (2) (g) of the statutes is amended to read:**

21 **778.26 (2) (g)** Notice that, [√]if the defendant makes a deposit and fails to appear
22 in court at the time specified in the citation, the failure to appear will be considered
23 tender of a plea of no contest and submission to a forfeiture, penalty assessment, law

1 enforcement training fund assessment, jail assessment, and crime laboratories and
2 drug law enforcement assessment plus costs not to exceed the amount of the deposit.
3 The notice shall also state that the court, instead of accepting the deposit and plea,
4 may decide to summon the defendant or may issue an arrest warrant for the
5 defendant upon failure to respond to a summons.

History: 1983 a. 418; 1987 a. 27; 1997 a. 27.

6 **SECTION 90.** 778.26 (2) (h) of the statutes is amended to read:

7 778.26 (2) (h) Notice that ² if the defendant makes a deposit and signs the
8 stipulation, the stipulation will be treated as a plea of no contest and submission to
9 a forfeiture, penalty assessment, law enforcement training fund assessment, jail
10 assessment, and crime laboratories and drug law enforcement assessment plus costs
11 not to exceed the amount of the deposit. The notice shall also state that the court,
12 instead of accepting the deposit and stipulation, may decide to summon the
13 defendant or issue an arrest warrant for the defendant upon failure to respond to a
14 summons, and that the defendant may, at any time prior to or at the time of the court
15 appearance date, move the court for relief from the effect of the stipulation.

History: 1983 a. 418; 1987 a. 27; 1997 a. 27.

16 **SECTION 91.** 778.26 (3) of the statutes is amended to read:

17 778.26 (3) A defendant issued a citation under this section may deposit the
18 amount of money the issuing officer directs by mailing or delivering the deposit and
19 a copy of the citation prior to the court appearance date to the clerk of the circuit court
20 in the county where the violation occurred or to the sheriff's office or police
21 headquarters of the officer who issued the citation. The basic amount of the deposit
22 shall be determined under a deposit schedule established by the judicial conference.
23 The judicial conference shall annually review and revise the schedule. In addition
24 to the basic amount determined by the schedule the deposit shall include the penalty

1 assessment, law enforcement training fund assessment, jail assessment, crime
2 laboratories and drug law enforcement assessment, and costs.

3 History: 1983 a. 418; 1987 a. 27; 1997 a. 27.

3 **SECTION 92.** 778.26 (4) of the statutes is amended to read:

4 778.26 (4) A defendant may make a stipulation of no contest by submitting a
5 deposit and a stipulation in the manner provided by sub. (3) prior to the court
6 appearance date. The signed stipulation is a plea of no contest and submission to a
7 forfeiture plus the penalty assessment, law enforcement training fund assessment,
8 jail assessment, crime laboratories and drug law enforcement assessment, and costs
9 not to exceed the amount of the deposit.

10 History: 1983 a. 418; 1987 a. 27; 1997 a. 27.

10 **SECTION 93.** 778.26 (5) of the statutes is amended to read:

11 778.26 (5) Except as provided by sub. (6), a person receiving a deposit shall
12 prepare a receipt in triplicate showing the purpose for which the deposit is made,
13 stating that the defendant may inquire at the office of the clerk of the circuit court
14 regarding the disposition of the deposit, and notifying the defendant that if he or she
15 fails to appear in court at the time specified in the citation he or she shall be
16 considered to have tendered a plea of no contest and submitted to a forfeiture,
17 penalty assessment, law enforcement training fund assessment, jail assessment,
18 and crime laboratories and drug law enforcement assessment plus costs not to exceed
19 the amount of the deposit and that the court may accept the plea. The original of the
20 receipt shall be delivered to the defendant in person or by mail. If the defendant pays
21 by check, the canceled check is the receipt.

22 History: 1983 a. 418; 1987 a. 27; 1997 a. 27.

22 **SECTION 94.** 778.26 (6) of the statutes is amended to read:

23 778.26 (6) The person receiving a deposit and stipulation of no contest shall
24 prepare a receipt in triplicate showing the purpose for which the deposit is made,

1 stating that the defendant may inquire at the office of the clerk of the circuit court
2 regarding the disposition of the deposit, and notifying the defendant that if the
3 stipulation of no contest is accepted by the court the defendant will be considered to
4 have submitted to a forfeiture, penalty assessment, law enforcement training fund
5 assessment, jail assessment, and crime laboratories and drug law enforcement
6 assessment plus costs not to exceed the amount of the deposit. Delivery of the receipt
7 shall be made in the same manner as provided in sub. (5).

History: 1983 a. 418; 1987 a. 27; 1997 a. 27.

8 **SECTION 95.** 778.26 (7) (b) of the statutes is amended to read:

9 778.26 (7) (b) If the defendant has made a deposit, the citation may serve as
10 the initial pleading and the defendant shall be considered to have tendered a plea
11 of no contest and submitted to a forfeiture, penalty assessment, law enforcement
12 training fund assessment, jail assessment, and crime laboratories and drug law
13 enforcement assessment plus costs not to exceed the amount of the deposit. The court
14 may either accept the plea of no contest and enter judgment accordingly, or reject the
15 plea and issue a summons. If the defendant fails to appear in response to the
16 summons, the court shall issue an arrest warrant. If the court accepts the plea of no
17 contest, the defendant may, within 90 days after the date set for appearance, move
18 to withdraw the plea of no contest, open the judgment, and enter a plea of not guilty
19 if the defendant shows to the satisfaction of the court that failure to appear was due
20 to mistake, inadvertence, surprise, or excusable neglect. If a defendant is relieved
21 from the plea of no contest, the court may order a written complaint or petition to be
22 filed. If on reopening the defendant is found not guilty, the court shall delete the
23 record of conviction and shall order the defendant's deposit returned.

History: 1983 a. 418; 1987 a. 27; 1997 a. 27.

24 **SECTION 96.** 778.26 (7) (c) of the statutes is amended to read:

1 778.26 (7) (c) If the defendant has made a deposit and stipulation of no contest,
2 the citation serves as the initial pleading and the defendant shall be considered to
3 have tendered a plea of no contest and submitted to a forfeiture, penalty assessment,
4 law enforcement training fund assessment, jail assessment, and crime laboratories
5 and drug law enforcement assessment plus costs not to exceed the amount of the
6 deposit. The court may either accept the plea of no contest and enter judgment
7 accordingly, or reject the plea and issue a summons or an arrest warrant. After
8 signing a stipulation of no contest, the defendant may, at any time prior to or at the
9 time of the court appearance date, move the court for relief from the effect of the
10 stipulation. The court may act on the motion, with or without notice, for cause shown
11 by affidavit and upon just terms, and relieve the defendant from the stipulation and
12 the effects of the stipulation.

History: 1983 a. 418; 1987 a. 27; 1997 a. 27.

13 **SECTION 97.** 778.26 (9) of the statutes is amended to read:

14 778.26 (9) An officer who collects a forfeiture, penalty assessment, law
15 enforcement training fund assessment, jail assessment, and crime laboratories and
16 drug law enforcement assessment and costs under this section shall pay the money
17 to the county treasurer within 20 days after its receipt. If the officer fails to make
18 timely payment, the county treasurer may collect the payment from the officer by an
19 action in the treasurer's name of office and upon the official bond of the officer, with
20 interest at the rate of 12% per year from the time when it should have been paid.

History: 1983 a. 418; 1987 a. 27; 1997 a. 27.

21 **SECTION 98.** 800.02 (2) (a) 8. of the statutes is amended to read:

22 800.02 (2) (a) 8. Notice that, if the defendant makes a deposit and fails to appear
23 in court at the time fixed in the citation, the defendant is deemed to have tendered
24 a plea of no contest and submits to a forfeiture, penalty assessment, law enforcement

1 training fund assessment, jail assessment ~~and~~ crime laboratories and drug law
2 enforcement assessment, any applicable consumer information assessment, and any
3 applicable domestic abuse assessment plus costs, including the fee prescribed in s.
4 814.65 (1), not to exceed the amount of the deposit. The notice shall also state that
5 the court may decide to summon the defendant rather than accept the deposit and
6 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.

7 **SECTION 99.** 800.02 (3) (a) 5. of the statutes is amended to read:

8 800.02 (3) (a) 5. A plain and concise statement of the violation identifying the
9 event or occurrence from which the violation arose and showing that the plaintiff is
10 entitled to relief, the ordinance, resolution or bylaw upon which the cause of action
11 is based and a demand for a forfeiture, the amount of which shall not exceed the
12 maximum set by the statute involved, the penalty assessment, the law enforcement
13 training fund assessment, the jail assessment, the crime laboratories and drug law
14 enforcement assessment, any applicable consumer information assessment, any
15 applicable domestic abuse assessment, and such other relief that is sought by the
16 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.

17 **SECTION 100.** 800.03 (3) of the statutes is amended to read:

18 800.03 (3) The amount of the deposit shall be set by the municipal judge, but
19 shall not be effective until approved by the governing body of the municipality. The
20 amount shall not exceed the maximum penalty for the offense, including any penalty
21 assessment that would be applicable under s. 757.05, any law enforcement training
22 fund assessment that would be applicable under s. 165.87 (1), any jail assessment
23 that would be applicable under s. 302.46 (1), any crime laboratories and drug law

1 enforcement assessment that would be applicable under s. 165.755, any consumer
2 information assessment that would be applicable under s. 100.261, and any domestic
3 abuse assessment that would be applicable under s. 973.055 (1), plus court costs,
4 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.

5 **SECTION 101.** 800.04 (2) (b) of the statutes is amended to read:

6 800.04 (2) (b) If the municipal judge determines that the defendant should not
7 be released under par. (a) and the defendant is charged with a traffic or boating
8 violation, the municipal judge shall release the defendant on a deposit in the amount
9 established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66.
10 For other violations, the municipal judge shall establish a deposit in an amount not
11 to exceed the maximum penalty for the offense, including any penalty assessment
12 that would be applicable under s. 757.05, any law enforcement training fund
13 assessment that would be applicable under s. 165.87 (1), any jail assessment that
14 would be applicable under s. 302.46 (1), any crime laboratories and drug law
15 enforcement assessment that would be applicable under s. 165.755, any consumer
16 information assessment that would be applicable under s. 100.261, and any domestic
17 abuse assessment that would be applicable under s. 973.055 (1). If the judge in a 1st
18 class city determines that a defendant appearing before the judge through
19 interactive video and audio transmission should not be released under par. (a), the
20 judge shall inform the defendant that he or she has the right to appear personally
21 before a judge for a determination, not prejudiced by the first appearance, as to
22 whether he or she should be released without a deposit. On failure of the defendant
23 to make a deposit under this paragraph, he or she may be committed to jail pending

1 trial only if the judge finds that there is a reasonable basis to believe the person will
2 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. 224; 1997 a. 27; 1999 a. 9.

3 **SECTION 102.** 800.04 (2) (c) of the statutes is amended to read:

4 800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03
5 and does not appear, he or she is deemed to have tendered a plea of no contest and
6 submits to a forfeiture, a penalty assessment imposed by s. 757.05, a law
7 enforcement training fund assessment imposed by s. 165.87 (1), a jail assessment
8 imposed by s. 302.46 (1), a crime laboratories and drug law enforcement assessment
9 imposed by s. 165.755, any applicable consumer information assessment imposed by
10 s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1)
11 plus costs, including the fee prescribed in s. 814.65 (1), not exceeding the amount of
12 the deposit. The court may either accept the plea of no contest and enter judgment
13 accordingly, or reject the plea and issue a summons. If the court finds that the
14 violation meets the conditions in s. 800.093 (1), the court may summon the alleged
15 violator into court to determine if restitution shall be ordered under s. 800.093. If
16 the defendant fails to appear in response to the summons, the court shall issue a
17 warrant under s. 968.09. If the defendant has made a deposit but does appear, the
18 court shall allow the defendant to withdraw the plea of no contest.

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.

19 **SECTION 103.** 800.09 (1) (intro.) of the statutes is amended to read:

20 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it
21 may render judgment by ordering restitution under s. 800.093 and payment of a
22 forfeiture, the penalty assessment imposed by s. 757.05, the law enforcement
23 training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by

1 s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed
2 by s. 165.755, any applicable consumer information assessment imposed by s.
3 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1)
4 plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The court shall
5 apply any payment received on a judgment that includes restitution to first satisfy
6 any payment of restitution ordered, then to pay the forfeiture, assessments, and
7 costs. If the judgment is not paid, the court may proceed under par. (a), (b) or (c) or
8 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.

9 **SECTION 104.** 800.09 (1) (a) of the statutes is amended to read:

10 800.09 (1) (a) The court may defer payment of any judgment or provide for
11 instalment payments. At the time the judgment is rendered, the court shall inform
12 the defendant, orally and in writing, of the date by which restitution and the
13 payment of the forfeiture, the penalty assessment, the law enforcement training
14 fund assessment, the jail assessment, the crime laboratories and drug law
15 enforcement assessment, any applicable consumer information assessment, and any
16 applicable domestic abuse assessment plus costs must be made, and of the possible
17 consequences of failure to do so in timely fashion, including imprisonment, as
18 provided in s. 800.095, or suspension of the defendant's motor vehicle operating
19 privilege, as provided in par. (c), if applicable. If the defendant is not present, the
20 court shall ensure that the information is sent to the defendant by mail. In 1st class
21 cities, all of the written information required by this paragraph shall be printed in
22 English and Spanish and provided to each 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. 27, 84; 1999 a. 9, 185.

23 **SECTION 105.** 800.09 (2) (b) of the statutes is amended to read:

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

18 **SECTION 106.** 800.10 (2) of the statutes is amended to read:

19 800.10 (2) All forfeitures, fees, penalty assessments, law enforcement training
20 fund assessments, crime laboratories and drug law enforcement assessments,
21 consumer information assessments, domestic abuse assessments, and costs paid to
22 a municipal court under a judgment before a municipal judge shall be paid to the
23 municipal treasurer within 7 days after receipt of the money by a municipal judge
24 or other court personnel. At the time of the payment, the municipal judge shall

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

9 **SECTION 107.** 800.12 (2) of the statutes is amended to read:

10 800.12 (2) A municipality may by ordinance provide that a municipal judge
11 may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50
12 or, upon nonpayment of the forfeiture, penalty assessment under s. 757.05, law
13 enforcement training fund assessment under s. 165.87 (1), jail assessment under s.
14 302.46, crime laboratories and drug law enforcement assessment under s. 165.755,
15 any applicable consumer information assessment under s. 100.261, and any
16 applicable domestic abuse assessment under s. 973.055 (1), a jail sentence not to
17 exceed 7 days.

History: 1977 c. 305; 1979 c. 32 s. 68; 1979 c. 257; Stats. 1979 s. 800.12; 1987 a. 27; 1989 a. 107; 1991 a. 39; 1993 a. 16; 1997 a. 27; 1999 a. 9.

18 **SECTION 108.** 814.60 (2) (ad) of the statutes is created to read:

19 814.60 (2) (ad) Law enforcement training fund assessment imposed by s.
20 165.87 (1). ✓

21 **SECTION 109.** 814.63 (3) (ad) of the statutes is created to read:

22 814.63 (3) (ad) Law enforcement training fund assessment imposed by s.
23 165.87 (1).

24 **SECTION 110.** 938.237 (2) of the statutes is amended to read:

LPS: Have bracketed text.

1 938.237 (2) The procedures for issuance and filing of a citation, and for
 2 forfeitures, stipulations and deposits in ss. 23.50 to 23.67, 23.75 (3) and (4), 66.0113
 3 [s. 66.0114], 778.25, 778.26, and 800.01 to 800.04 except s. 800.04 (2) (b), when the
 4 citation is issued by a law enforcement officer, shall be used as appropriate, except
 5 that this chapter shall govern taking and holding a juvenile in custody, s. 938.37 shall
 6 govern costs, penalty assessments, law enforcement training fund assessments, and
 7 jail assessments, and a capias shall be substituted for an arrest warrant. Sections
 8 66.0113 (3) (c) and (d), 66.0317 (1) [s. 66.0114 (1)] and 778.10 as they relate to
 9 collection of forfeitures do not apply.

NOTE: NOTE: The bracketed language indicates the correct cross-reference. Corrective legislation is pending. The cross-reference to s. 66.0317 (1) was changed pursuant to 1999 Wis. Act 150, section 672, which incorrectly indicated that s. 66.12 (1) was to be changed to s. 66.0317(1). Section 66.12 was renumbered to s. 66.0114 by Act 150, as shown here. Corrective legislation is pending. NOTE:

History: 1995 a. 77; 1999 a. 150 s. 672.

SECTION 111. 938.37 (3) of the statutes is amended to read:

11 938.37 (3) Notwithstanding sub. (1), courts of civil and criminal jurisdiction
 12 exercising jurisdiction under s. 938.17 may assess the same costs, penalty
 13 assessments, law enforcement training fund assessments, and jail assessments
 14 against juveniles as they may assess against adults, except that witness fees may not
 15 be charged to the juvenile.

History: 1995 a. 77.

SECTION 112. 961.41 (5) (a) of the statutes is amended to read:

17 961.41 (5) (a) When a court imposes a fine for a violation of this section, it shall
 18 also impose a drug abuse program improvement surcharge in an amount of 50% of
 19 the fine and, penalty assessment, and law enforcement training fund assessment
 20 imposed.

History: 1971 c. 219, 307; 1973 c. 12; 1981 c. 90, 314; 1985 a. 328; 1987 a. 339, 403; 1989 a. 31, 56, 121; 1991 a. 39; 138; 1993 a. 98, 118, 437, 482; 1995 a. 201; 1995 a. 448 ss. 243 to 266, 487 to 490; Stats. 1995 s. 961.41; 1997 a. 220, 283; 1999 a. 21, 32, 48, 57.

SECTION 113. 973.05 (1) of the statutes is amended to read:

1 973.05 (1). When a defendant is sentenced to pay a fine, the court may grant
2 permission for the payment of the fine, of the penalty assessment imposed by s.
3 757.05, the law enforcement training fund assessment imposed by s. 165.87 (1), the
4 jail assessment imposed by s. 302.46 (1), the crime victim and witness assistance
5 surcharge under s. 973.045, the crime laboratories and drug law enforcement
6 assessment imposed by s. 165.755, any applicable deoxyribonucleic acid analysis
7 surcharge under s. 973.046, any applicable drug abuse program improvement
8 surcharge imposed by s. 961.41 (5), any applicable consumer information assessment
9 imposed by s. 100.261, any applicable domestic abuse assessment imposed by s.
10 971.37 (1m) (c) 1. or 973.055, any applicable driver improvement surcharge imposed
11 by s. 346.655, any applicable enforcement assessment imposed by s. 253.06 (4) (c),
12 any applicable weapons assessment imposed by s. 167.31, any applicable uninsured
13 employer assessment imposed by s. 102.85 (4), any applicable environmental
14 assessment imposed by s. 299.93, any applicable wild animal protection assessment
15 imposed by s. 29.983, any applicable natural resources assessment imposed by s.
16 29.987, and any applicable natural resources restitution payment imposed by s.
17 29.989 to be made within a period not to exceed 60 days. If no such permission is
18 embodied in the sentence, the fine, the penalty assessment, the law enforcement
19 training fund assessment, the jail assessment, the crime victim and witness
20 assistance surcharge, the crime laboratories and drug law enforcement assessment,
21 any applicable deoxyribonucleic acid analysis surcharge, any applicable drug abuse
22 program improvement surcharge, any applicable consumer information assessment,
23 any applicable domestic abuse assessment, any applicable driver improvement
24 surcharge, any applicable enforcement assessment, any applicable weapons
25 assessment, any applicable uninsured employer assessment, any applicable

1 environmental assessment, any applicable wild animal protection assessment, any
2 applicable natural resources assessment, and any applicable natural resources
3 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.

4 **SECTION 114.** 973.05 (2) of the statutes is amended to read:

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

1 deoxyribonucleic acid analysis surcharge until paid in full, shall then be applied to
 2 the drug abuse improvement surcharge until paid in full, shall then be applied to
 3 payment of the driver improvement surcharge until paid in full, shall then be applied
 4 to payment of the domestic abuse assessment until paid in full, shall then be applied
 5 to payment of the consumer information assessment until paid in full, shall then be
 6 applied to payment of the natural resources assessment if applicable until paid in
 7 full, shall then be applied to payment of the natural resources restitution payment
 8 until paid in full, shall then be applied to the payment of the environmental
 9 assessment if applicable until paid in full, shall then be applied to the payment of the
 10 wild animal protection assessment if applicable until paid in full, shall then be
 11 applied to payment of the weapons assessment until paid in full, shall then be
 12 applied to payment of the uninsured employer assessment until paid in full, shall
 13 then be applied to payment of the enforcement assessment under s. 253.06 (4) (c), if
 14 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.

15 **SECTION 115.** 973.055 (2) (b) of the statutes is amended to read:

16 973.055 (2) (b) If the assessment is imposed by a municipal court, after a
 17 determination by the court of the amount due, the court shall collect and transmit
 18 the amount to the treasurer of the county, city, town[✓], or village, and that treasurer
 19 shall make payment to the state treasurer as provided in s. 66.0114 (1) (b) (bm).[✓]

History: 1979 c. 111; 1979 c. 221 s. 2202 (20); 1979 c. 355; 1981 c. 20 s. 2202 (20) (s); 1983 a. 27 s. 2202 (20); 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 262, 319; 1995 a. 27, 201, 343, 353; 1997 a. 27, 35, 143; 1999 a. 150 s. 672; 1999 a. 185.

20 **SECTION 116.** 973.07 of the statutes is amended to read:

21 **973.07 Failure to pay fine or costs or to comply with certain**
 22 **community service work.** If the fine, costs, penalty assessment, law enforcement
 23 training fund assessment, jail assessment, crime victim and witness assistance

1 surcharge, crime laboratories and drug law enforcement assessment, applicable
2 deoxyribonucleic acid analysis surcharge, applicable drug abuse program
3 improvement surcharge, applicable consumer information assessment, applicable
4 domestic abuse assessment, applicable driver improvement surcharge, applicable
5 enforcement assessment under s. 253.06 (4) (c), applicable weapons assessment,
6 applicable uninsured employer assessment, applicable environmental assessment,
7 applicable wild animal protection assessment, applicable natural resources
8 assessment, and applicable natural resources restitution payments are not paid or
9 community service work under s. 943.017 (3) is not completed as required by the
10 sentence, the defendant may be committed to the county jail until the fine, costs,
11 penalty assessment, law enforcement training fund assessment, jail assessment,
12 crime victim and witness assistance surcharge, crime laboratories and drug law
13 enforcement assessment, applicable deoxyribonucleic acid analysis surcharge,
14 applicable drug abuse program improvement surcharge, applicable consumer
15 information assessment, applicable domestic abuse assessment, applicable driver
16 improvement surcharge, applicable enforcement assessment under s. 253.06 (4) (c),
17 applicable weapons assessment, applicable uninsured employer assessment,
18 applicable environmental assessment, applicable wild animal protection
19 assessment, applicable natural resources assessment or applicable natural
20 resources restitution payments are paid or discharged, or the community service
21 work under s. 943.017 (3) is completed, for a period fixed by the court not to exceed
22 6 months.

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.

23 **SECTION 117.** 1999 Wisconsin Act 9, section 9201 (2m) is repealed.

24 **SECTION 118.** 1999 Wisconsin Act 9, section 9201 (2n) is repealed.

20.505(6)(j)

- 1 **SECTION 119.** 1999 Wisconsin Act 9, section 9201 (2p) is repealed.
- 2 **SECTION 120.** 1999 Wisconsin Act 9, section 9211(2g) ~~is~~ repealed. *(title) and are*
- 3 **SECTION 121.** 1999 Wisconsin Act 9, section 9230(1) ~~is~~ repealed. *(title) and are*
- 4 **SECTION 122.** 1999 Wisconsin Act 9, section 9230 (2m) is repealed.
- 5 **SECTION 123.** 1999 Wisconsin Act 9, section 9230 (3m) is repealed.
- 6 **SECTION 124.** 1999 Wisconsin Act 9, section 9238(1h) ~~is~~ repealed. *(title) and are*
- 7 **SECTION 125.** 1999 Wisconsin Act 9, section 9239(1h) ~~is~~ repealed. *(title) and are*
- 8 **SECTION 126.** 1999 Wisconsin Act Section 9239 (2h) is repealed.

(END)

9,
(circled)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1394/P1dn

RLR/.....
king

Andrew:

Section 973.05 (2), stats., prescribes an order in which payments made by a defendant shall be applied to the various fines and assessments that the defendant must pay when the payments are a condition of probation. Under current law, payments are applied first to the penalty assessment, then the jail assessment, and on down the line, ending with the fine. I adjusted the order so that payments are applied first to the penalty assessment, then to the law enforcement training fund assessment, and then continued with the order in current law.

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2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1394/Plins
RLR:.....

1 **Insert at 41-14:**

2 **SECTION 1. 757.05 (1) (d) of the statutes is amended to read:**

3 757.05 (1) (d) If any deposit of bail is made for a noncriminal offense to which
4 this ~~section~~ subsection applies, the person making the deposit shall also deposit a
5 sufficient amount to include the assessment prescribed in this ~~section~~ subsection for
6 forfeited bail. If bail is forfeited, the amount of the assessment shall be transmitted
7 monthly to the state treasurer under this ~~section~~ subsection. If bail is returned, the
8 assessment shall also be returned.

History: 1999 a. 9 ss. 2292m, 2298, 3050m to 3050c; 1999 a. 72 s. 6; 1999 a. 150 s. 672.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1394/P1dn
RLR:kmg:kjf

January 4, 2001

Andrew:

Section 973.05 (2), stats., prescribes an order in which payments made by a defendant shall be applied to the various fines and assessments that the defendant must pay when the payments are a condition of probation. Under current law, payments are applied first to the penalty assessment, then to the jail assessment, and on down the line, ending with the fine. I adjusted the order so that payments are applied first to the penalty assessment, then to the law enforcement training fund assessment, and then continued with the order in current law.

Robin Ryan
Legislative Attorney
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