



DOA:.....Statz - Penalty assessment surcharge for law enforcement training fund

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

NOW

RMR

D-Note

1 AN ACT ...; relating to: the budget.
DON'T GEN. CAT.

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 antismoking law. The penalty assessment amount is 23% 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:

Administering Agency	Program
OJA	anti-drug enforcement
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 state public defender	sponsorship of conferences and training

Current law also requires that a person pay a drug abuse program improvement surcharge if the person is fined for violating a prohibition against manufacturing, distributing, delivering, or possessing a controlled substance. The drug abuse program improvement surcharge is 50% of the fine amount plus 50% 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% surcharge on fines and forfeitures ordered for a violation of 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 antismoking 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 penalty assessment revenue appropriated to DOJ.

The bill decreases the penalty assessment to 13% 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% penalty assessment.

The bill also increases the amount of the drug abuse program improvement surcharge to 50% of the fine, plus 50% of the penalty assessment, plus 50% 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:
- 2 20.455 (2) (i) ~~Penalty assessment surcharge~~ Law enforcement training fund
- 3 assessment, receipts. The amounts in the schedule for the purposes of s. 165.85 (5)

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

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

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

8 20.455 (2) (j) *Law enforcement training fund, local assistance.* The amounts
9 in the schedule to finance local law enforcement training as provided in s. 165.85 (5)
10 (b). All moneys transferred from par. (i) for the purpose of this appropriation shall
11 be credited to this appropriation.

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

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

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

19 20.455 (2) (jb) *Crime laboratory equipment and supplies.* The amounts in the
20 schedule for the maintenance, repair, upgrading, and replacement costs of the
21 laboratory equipment, and for supplies used to maintain, repair, upgrade, and
22 replace that equipment, in the state and regional crime laboratories. All moneys

1 transferred from par. (i) for the purpose of this appropriation shall be credited to this
2 appropriation.

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

4 20.505 (6) (j) *Penalty assessment surcharge receipts.* (intro.) All moneys
5 received from the penalty assessment surcharge under s. 757.05 (2) ~~(b)~~ on court fines
6 and forfeitures and ~~all moneys transferred under 1999 Wisconsin Act 9, sections~~
7 ~~9201 (2m), (2n) and (2p), 9211 (2g), 9230 (1), (2m) and (3m), 9238 (1h) and 9239 (1h)~~
8 ~~and (2h)~~, for the purpose of transferring the following amounts to the following
9 appropriation accounts:

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

11 23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
12 court to recover forfeitures, penalty assessments, law enforcement training fund
13 assessments, jail assessments, applicable weapons assessments, applicable
14 environmental assessments, applicable wild animal protection assessments,
15 applicable natural resources assessments, applicable fishing shelter removal
16 assessments, applicable snowmobile registration restitution payments, and
17 applicable natural resources restitution payments for violations of ss. 77.09, 134.60,
18 167.10 (3), 167.31 (2), 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4),
19 287.07, 287.08, 287.81, and 299.64 (2), subch. VI of ch. 77, this chapter and chs. 26
20 to 31 and of ch. 350, and any administrative rules promulgated thereunder,
21 violations specified under s. 285.86, violations of rules of the Kickapoo reserve
22 management board under s. 41.41 (7) (k), or violations of local ordinances enacted
23 by any local authority in accordance with s. 23.33 (11) (am) or 30.77.

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

1 23.50 (2) All actions to recover these forfeitures, penalty assessments, law
2 enforcement training fund assessments, jail assessments, applicable weapons
3 assessments, applicable environmental assessments, applicable wild animal
4 protection assessments, applicable natural resources assessments, applicable
5 fishing shelter removal assessments, applicable snowmobile registration restitution
6 payments, and applicable natural resources restitution payments are civil actions
7 in the name of the state of Wisconsin, shall be heard in the circuit court for the county
8 where the offense occurred, and shall be recovered under the procedure set forth in
9 ss. 23.50 to 23.85.

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

11 23.50 (3) All actions in municipal court to recover forfeitures, penalty
12 assessments, law enforcement training fund assessments, and jail assessments for
13 violations of local ordinances enacted by any local authority in accordance with s.
14 23.33 (11) (am) or 30.77 shall utilize the procedure in ch. 800. The actions shall be
15 brought before the municipal court having jurisdiction. Provisions relating to
16 citations, arrests, questioning, releases, searches, deposits, and stipulations of no
17 contest in ss. 23.51 (1), (3), and (8), 23.53, 23.54, 23.56 to 23.64, 23.66, and 23.67 shall
18 apply to violations of such ordinances.

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

20 23.51 (3t) "Law enforcement training fund assessment" means the assessment
21 imposed under s. 165.87 (1).

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

23 23.51 (8) "Violation" means conduct which is prohibited by state law or
24 municipal ordinance and punishable by a forfeiture, a penalty assessment, a law

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

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

4 23.53 (1) The citation created under this section shall, in all actions to recover
5 forfeitures, penalty assessments, law enforcement training fund assessments, jail
6 assessments, applicable weapons assessments, applicable environmental
7 assessments, applicable wild animal protection assessments, applicable natural
8 resources assessments, applicable fishing shelter removal assessments, applicable
9 snowmobile registration restitution payments, and applicable natural resources
10 restitution payments for violations of those statutes enumerated in s. 23.50 (1), any
11 administrative rules promulgated thereunder, and any rule of the Kickapoo reserve
12 management board under s. 41.41 (7) (k) be used by any law enforcement officer with
13 authority to enforce those laws, except that the uniform traffic citation created under
14 s. 345.11 may be used by a traffic officer employed under s. 110.07 in enforcing s.
15 167.31 or by an officer of a law enforcement agency of a municipality or county or a
16 traffic officer employed under s. 110.07 in enforcing s. 287.81. In accordance with s.
17 345.11 (1m), the citation shall not be used for violations of ch. 350 relating to highway
18 use. The citation may be used for violations of local ordinances enacted by any local
19 authority in accordance with s. 23.33 (11) (am) or 30.77.

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

21 23.54 (3) (e) The maximum forfeiture, penalty assessment, law enforcement
22 training fund assessment, jail assessment, crime laboratories and drug law
23 enforcement assessment, applicable weapons assessment, applicable environmental
24 assessment, applicable wild animal protection assessment, applicable natural
25 resources assessment, applicable fishing shelter removal assessment, applicable

1 snowmobile registration restitution payment, and applicable natural resources
2 restitution payment for which the defendant might be found liable.

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

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

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

17 23.54 (3) (j) Notice that, if the defendant makes a deposit and signs the
18 stipulation, the defendant will be deemed to have tendered a plea of no contest and
19 submitted to a forfeiture, a penalty assessment, a law enforcement training fund
20 assessment, a jail assessment, a crime laboratories and drug law enforcement
21 assessment, any applicable weapons assessment, any applicable environmental
22 assessment, any applicable wild animal protection assessment, any applicable
23 natural resources assessment, any applicable fishing shelter removal assessment,
24 any applicable snowmobile registration restitution payment, and any applicable
25 natural resources restitution payment plus costs, including any applicable fees

1 prescribed in ch. 814, not to exceed the amount of the deposit. The notice shall also
2 state that the court may decide to summon the defendant rather than accept the
3 deposit and stipulation, and that the defendant may, at any time prior to or at the
4 time of the court appearance date, move the court for relief from the effects of the
5 stipulation.

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

7 23.55 (1) (b) A plain and concise statement of the violation identifying the event
8 or occurrence from which the violation arose and showing that the plaintiff is entitled
9 to relief, the statute upon which the cause of action is based, and a demand for a
10 forfeiture, the amount of which shall not exceed the maximum set by the statute
11 involved, a penalty assessment, a law enforcement training fund assessment, a jail
12 assessment, a crime laboratories and drug law enforcement assessment, any
13 applicable weapons assessment, any applicable environmental assessment, any
14 applicable wild animal protection assessment, any applicable natural resources
15 assessment, any applicable fishing shelter removal assessment, any applicable
16 snowmobile registration restitution payment, any applicable natural resources
17 restitution payment, and any other relief that is sought by the plaintiff.

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

19 23.66 (2) The person receiving the deposit shall prepare a receipt in triplicate
20 showing the purpose for which the deposit is made, stating that the defendant may
21 inquire at the office of the clerk of court or municipal court regarding the disposition
22 of the deposit, and notifying the defendant that if he or she fails to appear in court
23 at the time fixed in the citation he or she will be deemed to have tendered a plea of
24 no contest and submitted to a forfeiture, a penalty assessment, a law enforcement
25 training fund assessment, a jail assessment, a crime laboratories and drug law

1 enforcement assessment, any applicable weapons assessment, any applicable
2 environmental assessment, any applicable wild animal protection assessment, any
3 applicable natural resources assessment, any applicable fishing shelter removal
4 assessment, any applicable snowmobile registration restitution payment, and any
5 applicable natural resources restitution payment plus costs, including any
6 applicable fees prescribed in ch. 814, not to exceed the amount of the deposit which
7 the court may accept. The original of the receipt shall be delivered to the defendant
8 in person or by mail. If the defendant pays by check, share draft, or other draft, the
9 check, share draft, or other draft or a microfilm copy of the check, share draft, or other
10 draft shall be considered a receipt. If the defendant makes the deposit by use of a
11 credit card, the credit charge receipt shall be considered a receipt.

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

13 23.66 (4) The basic amount of the deposit shall be determined in accordance
14 with a deposit schedule that the judicial conference shall establish. Annually, the
15 judicial conference shall review and may revise the schedule. In addition to the basic
16 amount determined according to the schedule, the deposit shall include court costs,
17 including any applicable fees prescribed in ch. 814, any applicable penalty
18 assessment, any applicable law enforcement training fund assessment, any
19 applicable jail assessment, any applicable crime laboratories and drug law
20 enforcement assessment, any applicable weapons assessment, any applicable
21 environmental assessment, any applicable wild animal protection assessment, any
22 applicable natural resources assessment, any applicable fishing shelter removal
23 assessment, any applicable snowmobile registration restitution payment, and any
24 applicable natural resources restitution payment.

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

1 23.67 (2) The deposit and stipulation of no contest may be made at any time
2 prior to the court appearance date. By signing the stipulation, the defendant is
3 deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty
4 assessment, a law enforcement training fund assessment, a jail assessment, a crime
5 laboratories and drug law enforcement assessment, any applicable weapons
6 assessment, any applicable environmental assessment, any applicable wild animal
7 protection assessment, any applicable natural resources assessment, any applicable
8 fishing shelter removal assessment, any applicable snowmobile registration
9 restitution payment, and any applicable natural resources restitution payment plus
10 costs, including any applicable fees prescribed in ch. 814, not to exceed the amount
11 of the deposit.

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

13 23.67 (3) The person receiving the deposit and stipulation of no contest shall
14 prepare a receipt in triplicate showing the purpose for which the deposit is made,
15 stating that the defendant may inquire at the office of the clerk of court or municipal
16 court regarding the disposition of the deposit, and notifying the defendant that if the
17 stipulation of no contest is accepted by the court the defendant will be deemed to have
18 submitted to a forfeiture, a penalty assessment, a law enforcement training fund
19 assessment, a jail assessment, a crime laboratories and drug law enforcement
20 assessment, any applicable weapons assessment, any applicable environmental
21 assessment, any applicable wild animal protection assessment, any applicable
22 natural resources assessment, any applicable fishing shelter removal assessment,
23 any applicable snowmobile registration restitution payment, and any applicable
24 natural resources restitution payment plus costs, including any applicable fees

1 prescribed in ch. 814, not to exceed the amount of the deposit. Delivery of the receipt
2 shall be made in the same manner as in s. 23.66.

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

4 23.75 (3) (a) 2. If the court considers the nonappearance to be a plea of no
5 contest and enters judgment accordingly, the court shall promptly mail a copy or
6 notice of the judgment to the defendant. The judgment shall allow the defendant not
7 less than 20 working days from the date the judgment copy or notice is mailed to pay
8 the forfeiture, penalty assessment, law enforcement training fund assessment, jail
9 assessment, and crime laboratories and drug law enforcement assessment, any
10 applicable weapons assessment, any applicable environmental assessment, any
11 applicable wild animal protection assessment, any applicable natural resources
12 assessment, any applicable fishing shelter removal assessment, any applicable
13 snowmobile registration restitution payment, and any applicable natural resources
14 restitution payment plus costs, including any applicable fees prescribed in ch. 814.

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

16 23.75 (3) (b) If the defendant has made a deposit, the citation may serve as the
17 initial pleading and the defendant shall be deemed to have tendered a plea of no
18 contest and submitted to a forfeiture, a penalty assessment, a law enforcement
19 training fund assessment, a jail assessment, a crime laboratories and drug law
20 enforcement assessment, any applicable weapons assessment, any applicable
21 environmental assessment, any applicable wild animal protection assessment, any
22 applicable natural resources assessment, any applicable fishing shelter removal
23 assessment, any applicable snowmobile registration restitution payment, and any
24 applicable natural resources restitution payment plus any applicable fees prescribed
25 in ch. 814, not exceeding the amount of the deposit. The court may either accept the

1 plea of no contest and enter judgment accordingly, or reject the plea and issue a
2 summons. If the defendant fails to appear in response to the summons, the court
3 shall issue an arrest warrant. If the court accepts the plea of no contest, the
4 defendant may move within 90 days after the date set for appearance to withdraw
5 the plea of no contest, open the judgment, and enter a plea of not guilty if the
6 defendant shows to the satisfaction of the court that failure to appear was due to
7 mistake, inadvertence, surprise, or excusable neglect. If a party is relieved from the
8 plea of no contest, the court or judge may order a written complaint to be filed and
9 set the matter for trial. After trial the costs and fees shall be taxed as provided by
10 law. If on reopening the defendant is found not guilty, the court shall delete the
11 record of conviction and shall order the defendant's deposit returned.

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

13 23.75 (3) (c) If the defendant has made a deposit and stipulation of no contest,
14 the citation may serve as the initial pleading and the defendant shall be deemed to
15 have tendered a plea of no contest and submitted to a forfeiture, a penalty
16 assessment, a law enforcement training fund assessment, a jail assessment, a crime
17 laboratories and drug law enforcement assessment, any applicable weapons
18 assessment, any applicable environmental assessment, any applicable wild animal
19 protection assessment, any applicable natural resources assessment, any applicable
20 fishing shelter removal assessment, any applicable snowmobile registration
21 restitution payment, and any applicable natural resources restitution payment plus
22 any applicable fees prescribed in ch. 814, not exceeding the amount of the deposit.
23 The court may either accept the plea of no contest and enter judgment accordingly,
24 or reject the plea and issue a summons. If the defendant fails to appear in response
25 to the summons, the court shall issue an arrest warrant. After signing a stipulation

1 of no contest, the defendant may, at any time prior to or at the time of the court
2 appearance date, move the court for relief from the effect of the stipulation. The court
3 may act on the motion, with or without notice, for cause shown by affidavit and upon
4 just terms, and relieve the defendant from the stipulation and the effects thereof.
5 If the defendant is relieved from the stipulation of no contest, the court may order
6 a citation or complaint to be filed and set the matter for trial. After trial the costs
7 and fees shall be taxed as provided by law.

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

9 23.79 (1) If the defendant is found guilty, the court may enter judgment against
10 the defendant for a monetary amount not to exceed the maximum forfeiture provided
11 by the statute for the violation, the penalty assessment, the law enforcement
12 training fund assessment, the jail assessment, the crime laboratories and drug law
13 enforcement assessment, any applicable weapons assessment, any applicable
14 environmental assessment, any applicable wild animal protection assessment, any
15 applicable natural resources assessment, any applicable fishing shelter removal
16 assessment, any applicable snowmobile registration restitution payment, any
17 applicable natural resources restitution payment, and for costs.

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

19 23.80 (2) Upon default of the defendant corporation or municipality, or upon
20 conviction, judgment for the amount of the forfeiture, the penalty assessment, the
21 law enforcement training fund assessment, the jail assessment, the crime
22 laboratories and drug law enforcement assessment, any applicable weapons
23 assessment, any applicable environmental assessment, any applicable wild animal
24 protection assessment, any applicable natural resources assessment, any applicable
25 fishing shelter removal assessment, any applicable snowmobile registration

1 restitution payment, and any applicable natural resources restitution payment shall
2 be entered.

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

4 **23.84 Forfeitures and assessments collected; to whom paid.** Except for
5 actions in municipal court, all moneys collected in favor of the state or a municipality
6 for forfeiture, penalty assessment, law enforcement training fund assessment, jail
7 assessment, crime laboratories and drug law enforcement assessment, applicable
8 weapons assessment, applicable environmental assessment, applicable wild animal
9 protection assessment, applicable natural resources assessment, applicable fishing
10 shelter removal assessment, applicable snowmobile registration restitution
11 payment, and applicable natural resources restitution payment shall be paid by the
12 officer who collects the same to the appropriate municipal or county treasurer, within
13 20 days after its receipt by the officer, except that all jail assessments shall be paid
14 to the county treasurer. In case of any failure in the payment, the municipal or
15 county treasurer may collect the payment from the officer by an action in the
16 treasurer's name of office and upon the official bond of the officer, with interest at the
17 rate of 12% per year from the time when it should have been paid.

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

19 **23.85 Statement to county board; payment to state.** Every county
20 treasurer shall, on the first day of the annual meeting of the county board of
21 supervisors, submit to it a verified statement of all forfeitures, penalty assessments,
22 law enforcement training fund assessments, jail assessments, weapons
23 assessments, environmental assessments, wild animal protection assessments,
24 natural resources assessments, fishing shelter removal assessments, snowmobile
25 registration restitution payments, and natural resources restitution payments

1 money received during the previous year. The county clerk shall deduct all expenses
2 incurred by the county in recovering those forfeitures, penalty assessments, law
3 enforcement training fund assessments, weapons assessments, environmental
4 assessments, wild animal protection assessments, natural resources assessments,
5 fishing shelter removal assessments, snowmobile registration restitution payments,
6 and natural resources restitution payments from the aggregate amount so received,
7 and shall immediately certify the amount of clear proceeds of those forfeitures,
8 penalty assessments, law enforcement training fund assessments, weapons
9 assessments, environmental assessments, wild animal protection assessments,
10 natural resources assessments, fishing shelter removal assessments, snowmobile
11 registration restitution payments, and natural resources restitution payments to the
12 county treasurer, who shall pay the proceeds to the state treasurer as provided in s.
13 59.25 (3). Jail assessments shall be treated separately as provided in s. 302.16.

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

15 48.37 (2) Notwithstanding sub. (1), no costs, penalty assessments, law
16 enforcement training fund assessments, or jail assessments may be assessed against
17 any child in a circuit court exercising jurisdiction under s. 48.16.

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

19 59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be
20 deposited in the state treasury, the amounts required by s. 757.05 for the penalty
21 assessment surcharge, the amounts required by s. 165.87 (1) for the law enforcement
22 training fund assessment, the amounts required by s. 165.755 for the crime
23 laboratories and drug law enforcement assessment, the amounts required by s.
24 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the
25 crime victim and witness assistance surcharge, the amounts required by s. 938.34

1 (8d) for the delinquency victim and witness assistance surcharge, the amounts
2 required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts
3 required by s. 961.41 (5) for the drug abuse program improvement surcharge, the
4 amounts required by s. 100.261 for the consumer ~~information~~ protection assessment,
5 the amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the
6 domestic abuse assessment, the amounts required by s. 253.06 (4) (c) for the
7 enforcement assessment under the supplemental food program for women, infants
8 and children, the amounts required by ss. 346.177, 346.495 and 346.65 (4r) for the
9 railroad crossing improvement assessment, the amounts required by s. 346.655 (2)
10 (a) and (b) for the driver improvement surcharge, the amounts required by s. 102.85
11 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the
12 environmental assessment, the amounts required by s. 29.983 for the wild animal
13 protection assessment, the amounts required by s. 29.987 for the natural resources
14 assessment surcharge, the amounts required by s. 29.985 for the fishing shelter
15 removal assessment, the amounts required by s. 350.115 for the snowmobile
16 registration restitution payment, and the amounts required by s. 29.989 for natural
17 resources restitution payments, transmit to the state treasurer a statement of all
18 moneys required by law to be paid on the actions entered during the preceding month
19 on or before the first day of the next succeeding month, certified by the county
20 treasurer's personal signature affixed or attached thereto, and at the same time pay
21 to the state treasurer the amount thereof.

****NOTE: This is reconciled s. 59.25 (3) (f) 2. This SECTION has been affected by
drafts with the following LRB numbers: -0454 and -1394.

22 **SECTION 29.** 59.40 (2) (m) of the statutes is amended to read:

1 59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's
2 percentage of the fees required to be paid on each civil action, criminal action and
3 special proceeding filed during the preceding month and pay monthly to the
4 treasurer for the use of the state the percentage of court imposed fines and forfeitures
5 required by law to be deposited in the state treasury, the amounts required by s.
6 757.05 for the penalty assessment surcharge, the amounts required by s. 165.87 (1)
7 for the law enforcement training fund assessment, the amounts required by s.
8 165.755 for the crime laboratories and drug law enforcement assessment, the
9 amounts required by s. 167.31 (5) for the weapons assessment, the amounts required
10 by s. 973.045 for the crime victim and witness assistance surcharge, the amounts
11 required by s. 938.34 (8d) for the delinquency victim and witness assistance
12 surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis
13 surcharge, the amounts required by s. 961.41 (5) for the drug abuse program
14 improvement surcharge, the amounts required by s. 100.261 for the consumer
15 ~~information~~ protection assessment, the amounts authorized by s. 971.37 (1m) (c) 1.
16 or required by s. 973.055 for the domestic abuse assessment surcharge, the amounts
17 required by s. 253.06 (4) (c) for the enforcement assessment under the supplemental
18 food program for women, infants and children, the amounts required by ss. 346.177,
19 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the
20 amounts required by s. 346.655 for the driver improvement surcharge, the amounts
21 required by s. 102.85 (4) for the uninsured employer assessment, the amounts
22 required by s. 299.93 for the environmental assessment, the amounts required under
23 s. 29.983 for the wild animal protection assessment, the amounts required under s.
24 29.987 (1) (d) for the natural resources assessment surcharge, the amounts required
25 by s. 29.985 for the fishing shelter removal assessment, the amounts required by s.

1 350.115 for the snowmobile registration restitution payment, and the amounts
2 required under s. 29.989 (1) (d) for the natural resources restitution payments. The
3 payments shall be made by the 15th day of the month following receipt thereof.

****NOTE: This is reconciled s. 59.40 (2) (m). This SECTION has been affected by
drafts with the following LRB numbers: -0454 and -1394.

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

5 66.0113 (1) (b) 7. c. That, if the alleged violator makes a cash deposit and does
6 not appear in court, he or she either will be deemed to have tendered a plea of no
7 contest and submitted to a forfeiture, a penalty assessment imposed by s. 757.05, a
8 law enforcement training fund assessment imposed by s. 165.87 (1), a jail assessment
9 imposed by s. 302.46 (1), a crime laboratories and drug law enforcement assessment
10 imposed by s. 165.755, any applicable consumer ~~information~~ protection assessment
11 imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s.
12 973.055 (1) not to exceed the amount of the deposit or will be summoned into court
13 to answer the complaint if the court does not accept the plea of no contest.

****NOTE: This is reconciled s. 66.0113 (1) (b) 7. c. This SECTION has been affected
by drafts with the following LRB numbers: -0454 and -1394.

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

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

1 applicable consumer ~~information~~ protection assessment imposed by s. 100.261, and
2 any applicable domestic abuse assessment imposed by s. 973.055 (1).

***NOTE: This is reconciled s. 66.0113 (1) (b) 7. d. This SECTION has been affected
by drafts with the following LRB numbers: -0454 and -1394.

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

4 66.0113 (1) (c) An ordinance adopted under par. (a) shall contain a schedule of
5 cash deposits that are to be required for the various ordinance violations, and for the
6 penalty assessment imposed by s. 757.05, the law enforcement training fund
7 assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the
8 crime laboratories and drug law enforcement assessment imposed by s. 165.755, any
9 applicable consumer ~~information~~ protection assessment imposed by s. 100.261, and
10 any applicable domestic abuse assessment imposed by s. 973.055 (1), for which a
11 citation may be issued. The ordinance shall also specify the court, clerk of court or
12 other official to whom cash deposits are to be made and shall require that receipts
13 be given for cash deposits.

***NOTE: This is reconciled s. 66.0113 (1) (c). This SECTION has been affected by
drafts with the following LRB numbers: -0454 and -1394.

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

15 66.0113 (3) (a) The person named as the alleged violator in a citation may
16 appear in court at the time specified in the citation or may mail or deliver personally
17 a cash deposit in the amount, within the time and to the court, clerk of court or other
18 official specified in the citation. If a person makes a cash deposit, the person may
19 nevertheless appear in court at the time specified in the citation, but the cash deposit
20 may be retained for application against any forfeiture, restitution, penalty
21 assessment, law enforcement training fund assessment, jail assessment, crime

1 laboratories and drug law enforcement assessment, consumer ~~information~~
2 protection assessment, or domestic abuse assessment that may be imposed.

***NOTE: This is reconciled s. 66.0113 (3) (a). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

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

4 66.0113 (3) (b) If a person appears in court in response to a citation, the citation
5 may be used as the initial pleading, unless the court directs that a formal complaint
6 be made, and the appearance confers personal jurisdiction over the person. The
7 person may plead guilty, no contest or not guilty. If the person pleads guilty or no
8 contest, the court shall accept the plea, enter a judgment of guilty and impose a
9 forfeiture, the penalty assessment imposed by s. 757.05, the law enforcement
10 training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by
11 s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed
12 by s. 165.755, any applicable consumer ~~information~~ protection assessment imposed
13 by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055
14 (1). If the court finds that the violation meets the conditions in s. 800.093 (1), the
15 court may order restitution under s. 800.093. A plea of not guilty shall put all matters
16 in the case at issue, and the matter shall be set for trial.

***NOTE: This is reconciled s. 66.0113 (3) (b). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

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

18 66.0113 (3) (c) If the alleged violator makes a cash deposit and fails to appear
19 in court, the citation may serve as the initial pleading and the violator shall be
20 considered to have tendered a plea of no contest and submitted to a forfeiture, the
21 penalty assessment imposed by s. 757.05, the law enforcement training fund
22 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~~ protection assessment imposed by s. 100.261, and
3 any applicable domestic abuse assessment imposed by s. 973.055 (1) not exceeding
4 the amount of the deposit. The court may either accept the plea of no contest and
5 enter judgment accordingly or reject the plea. If the court finds the violation meets
6 the conditions in s. 800.093 (1), the court may summon the alleged violator into court
7 to determine if restitution shall be ordered under s. 800.093. If the court accepts the
8 plea of no contest, the defendant may move within 10 days after the date set for the
9 appearance to withdraw the plea of no contest, open the judgment, and enter a plea
10 of not guilty if the defendant shows to the satisfaction of the court that the failure
11 to appear was due to mistake, inadvertence, surprise, or excusable neglect. If the
12 plea of no contest is accepted and not subsequently changed to a plea of not guilty,
13 no costs or fees may be taxed against the violator, but a penalty assessment, a law
14 enforcement training fund assessment, a jail assessment, a crime laboratories and
15 drug law enforcement assessment and, if applicable, a consumer ~~information~~
16 protection assessment or a domestic abuse assessment shall be assessed. If the court
17 rejects the plea of no contest, an action for collection of the forfeiture, penalty
18 assessment, law enforcement training fund assessment, jail assessment, crime
19 laboratories and drug law enforcement assessment, any applicable consumer
20 ~~information~~ protection assessment, and any applicable domestic abuse assessment
21 may be commenced. A city, village, town sanitary district, or public inland lake
22 protection and rehabilitation district may commence action under s. 66.0114 (1) and
23 a county or town may commence action under s. 778.10. The citation may be used
24 as the complaint in the action for the collection of the forfeiture, penalty assessment,
25 law enforcement training fund assessment, jail assessment, crime laboratories and

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

****NOTE: This is reconciled s. 66.0113 (3) (c). This SECTION has been affected by
drafts with the following LRB numbers: -0454 and -1394.

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

4 66.0113 (3) (d) If the alleged violator does not make a cash deposit and fails to
5 appear in court at the time specified in the citation, the court may issue a summons
6 or warrant for the defendant's arrest or consider the nonappearance to be a plea of
7 no contest and enter judgment accordingly if service was completed as provided
8 under par. (e) or the county, town, city, village, town sanitary district, or public inland
9 lake protection and rehabilitation district may commence an action for collection of
10 the forfeiture, penalty assessment, law enforcement training fund assessment, jail
11 assessment, and crime laboratories and drug law enforcement assessment, any
12 applicable consumer ~~information~~ protection assessment, and any applicable
13 domestic abuse assessment. A city, village, town sanitary district, or public inland
14 lake protection and rehabilitation district may commence action under s. 66.0114 (1)
15 and a county or town may commence action under s. 778.10. The citation may be used
16 as the complaint in the action for the collection of the forfeiture, penalty assessment,
17 law enforcement training fund assessment, jail assessment, and crime laboratories
18 and drug law enforcement assessment, any applicable consumer ~~information~~
19 protection assessment, and any applicable domestic abuse assessment. If the court
20 considers the nonappearance to be a plea of no contest and enters judgment
21 accordingly, the court shall promptly mail a copy or notice of the judgment to the
22 defendant. The judgment shall allow the defendant not less than 20 days from the
23 date of the judgment to pay any forfeiture, penalty assessment, law enforcement

1 training assessment, jail assessment, and crime laboratories and drug law
2 enforcement assessment, any applicable consumer ~~information~~ protection
3 assessment, and any applicable domestic abuse assessment imposed. If the
4 defendant moves to open the judgment within 6 months after the court appearance
5 date fixed in the citation, and shows to the satisfaction of the court that the failure
6 to appear was due to mistake, inadvertence, surprise, or excusable neglect, the court
7 shall reopen the judgment, accept a not guilty plea and set a trial date.

****NOTE: This is reconciled s. 66.0113 (3) (d). This SECTION has been affected by
drafts with the following LRB numbers: -0454 and -1394.

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

9 66.0114 (1) (b) Local ordinances, except as provided in this paragraph or ss.
10 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any
11 or all violations under those ordinances, may designate the manner in which the
12 stipulation is to be made and may fix the penalty to be paid. When a person charged
13 with a violation for which stipulation of guilt or no contest is authorized makes a
14 timely stipulation, pays the required penalty and pays the penalty assessment
15 imposed by s. 757.05, the law enforcement training fund assessment imposed by s.
16 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime laboratories and
17 drug law enforcement assessment imposed by s. 165.755, any applicable consumer
18 ~~information~~ protection assessment imposed by s. 100.261, and any applicable
19 domestic abuse assessment imposed by s. 973.055 (1) to the designated official, the
20 person need not appear in court and no witness fees or other additional costs may be
21 taxed unless the local ordinance so provides. A court appearance is required for a
22 violation of a local ordinance in conformity with s. 346.63 (1).

****NOTE: This is reconciled s. 66.0114 (1) (b). This SECTION has been affected by
drafts with the following LRB numbers: -0454 and -1394.

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

2 66.0114 (1) (bm) The official receiving the penalties shall remit all moneys
3 collected to the treasurer of the city, village, town sanitary district, or public inland
4 lake protection and rehabilitation district in whose behalf the sum was paid, except
5 that all jail assessments shall be remitted to the county treasurer, within 20 days
6 after its receipt by the official. If timely remittance is not made, the treasurer may
7 collect the payment of the officer by action, in the name of the office, and upon the
8 official bond of the officer, with interest at the rate of 12% per year from the date on
9 which it was due. In the case of the penalty assessment imposed by s. 757.05, the
10 law enforcement training fund assessment imposed by s. 165.87 (1), the crime
11 laboratories and drug law enforcement assessment imposed by s. 165.755, the driver
12 improvement surcharge imposed by s. 346.655 (1), any applicable consumer
13 ~~information~~ protection assessment imposed by s. 100.261, and any applicable
14 domestic abuse assessment imposed by s. 973.055 (1), the treasurer of the city,
15 village, town sanitary district, or public inland lake protection and rehabilitation
16 district shall remit to the state treasurer the amount required by law to be paid on
17 the actions entered during the preceding month on or before the first day of the next
18 succeeding month. The governing body of the city, village, town sanitary district, or
19 public inland lake protection and rehabilitation district shall by ordinance designate
20 the official to receive the penalties and the terms under which the official qualifies.

 ****NOTE: This is reconciled s. 66.0114 (1) (bm). This SECTION has been affected by
drafts with the following LRB numbers: -0454 and -1394.

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

22 66.0114 (3) (b) All forfeitures and penalties recovered for the violation of an
23 ordinance or bylaw of a city, village, town, town sanitary district, or public inland

1 lake protection and rehabilitation district shall be paid into the city, village, town,
2 town sanitary district, or public inland lake protection and rehabilitation district
3 treasury for the use of the city, village, town, town sanitary district, or public inland
4 lake protection and rehabilitation district, except as provided in par. (c), and sub. (1)
5 (bm) ~~and s. 757.05~~. The judge shall report and pay into the treasury, quarterly, or
6 at more frequent intervals if required, all moneys collected belonging to the city,
7 village, town, town sanitary district, or public inland lake protection and
8 rehabilitation district. The report shall be certified and filed in the office of the
9 treasurer. The judge is entitled to duplicate receipts, one of which he or she shall file
10 with the city, village, or town clerk, or with the town sanitary district or the public
11 inland lake protection and rehabilitation district.

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

13 102.85 (5) (a) The payment of any judgment under this section may be
14 suspended or deferred for not more than 90 days in the discretion of the court. The
15 court shall suspend a judgment under this section upon the motion of the
16 department, if the department is satisfied that the employer's violation of s. 102.16
17 (3) or 102.28 (2) was beyond the employer's control and that the employer no longer
18 violates s. 102.16 (3) or 102.28 (2). In cases where a deposit has been made, any
19 forfeitures, penalty assessments, law enforcement training fund assessments, jail
20 assessments, uninsured employer assessments, and costs shall be taken out of the
21 deposit and the balance, if any, returned to the employer.

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

23 102.87 (2) (e) The maximum forfeiture, penalty assessment, law enforcement
24 training fund assessment, jail assessment, crime laboratories and drug law

1 enforcement assessment, and any applicable uninsured employer assessment for
2 which the defendant is liable.

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

4 102.87 (2) (g) Notice that if the defendant makes a deposit and fails to appear
5 in court at the time specified in the citation, the failure to appear will be considered
6 tender of a plea of no contest and submission to a forfeiture, penalty assessment, law
7 enforcement training fund assessment, jail assessment, crime laboratories and drug
8 law enforcement assessment, and any applicable uninsured employer assessment
9 plus costs not to exceed the amount of the deposit. The notice shall also state that
10 the court, instead of accepting the deposit and plea, may decide to summon the
11 defendant or may issue an arrest warrant for the defendant upon failure to respond
12 to a summons.

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

14 102.87 (2) (h) Notice that if the defendant makes a deposit and signs the
15 stipulation, the stipulation will be treated as a plea of no contest and submission to
16 a forfeiture, penalty assessment, law enforcement training fund assessment, jail
17 assessment, crime laboratories and drug law enforcement assessment, and any
18 applicable uninsured employer assessment plus costs not to exceed the amount of the
19 deposit. The notice shall also state that the court, instead of accepting the deposit
20 and stipulation, may decide to summon the defendant or issue an arrest warrant for
21 the defendant upon failure to respond to a summons, and that the defendant may,
22 at any time before or at the time of the court appearance date, move the court for
23 relief from the effect of the stipulation.

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

1 102.87 (3) A defendant issued a citation under this section may deposit the
2 amount of money that the issuing department deputy or officer directs by mailing or
3 delivering the deposit and a copy of the citation before the court appearance date to
4 the clerk of the circuit court in the county where the violation occurred, to the
5 department, or to the sheriff's office or police headquarters of the officer who issued
6 the citation. The basic amount of the deposit shall be determined under a deposit
7 schedule established by the judicial conference. The judicial conference shall
8 annually review and revise the schedule. In addition to the basic amount determined
9 by the schedule the deposit shall include the penalty assessment, law enforcement
10 training fund assessment, jail assessment, crime laboratories and drug law
11 enforcement assessment, any applicable uninsured employer assessment, and costs.

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

13 102.87 (4) A defendant may make a stipulation of no contest by submitting a
14 deposit and a stipulation in the manner provided by sub. (3) before the court
15 appearance date. The signed stipulation is a plea of no contest and submission to a
16 forfeiture plus the penalty assessment, law enforcement training fund assessment,
17 jail assessment, crime laboratories and drug law enforcement assessment, any
18 applicable uninsured employers assessment, and costs not to exceed the amount of
19 the deposit.

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

21 102.87 (5) Except as provided by sub. (6), a person receiving a deposit shall
22 prepare a receipt in triplicate showing the purpose for which the deposit is made,
23 stating that the defendant may inquire at the office of the clerk of the circuit court
24 regarding the disposition of the deposit, and notifying the defendant that if he or she
25 fails to appear in court at the time specified in the citation he or she shall be

1 considered to have tendered a plea of no contest and submitted to a forfeiture,
2 penalty assessment, law enforcement training fund assessment, jail assessment,
3 crime laboratories and drug law enforcement assessment, and any applicable
4 uninsured employer assessment plus costs not to exceed the amount of the deposit
5 and that the court may accept the plea. The original of the receipt shall be delivered
6 to the defendant in person or by mail. If the defendant pays by check, the canceled
7 check is the receipt.

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

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

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

20 102.87 (7) (b) If the defendant has made a deposit, the citation may serve as
21 the initial pleading and the defendant shall be considered to have tendered a plea
22 of no contest and submitted to a forfeiture, penalty assessment, law enforcement
23 training fund assessment, jail assessment, crime laboratories and drug law
24 enforcement assessment, and any applicable uninsured employer assessment plus
25 costs not to exceed the amount of the deposit. The court may either accept the plea

1 of no contest and enter judgment accordingly, or reject the plea and issue a summons.
2 If the defendant fails to appear in response to the summons, the court shall issue an
3 arrest warrant. If the court accepts the plea of no contest, the defendant may, within
4 90 days after the date set for appearance, move to withdraw the plea of no contest,
5 open the judgment, and enter a plea of not guilty if the defendant shows to the
6 satisfaction of the court that failure to appear was due to mistake, inadvertence,
7 surprise, or excusable neglect. If a defendant is relieved from the plea of no contest,
8 the court may order a written complaint or petition to be filed. If on reopening the
9 defendant is found not guilty, the court shall delete the record of conviction and shall
10 order the defendant's deposit returned.

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

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

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

1 102.87 (9) A department deputy or an officer who collects a forfeiture, penalty
2 assessment, law enforcement training fund assessment, jail assessment, crime
3 laboratories and drug law enforcement assessment, applicable uninsured employer
4 assessment, and costs under this section shall pay the money to the county treasurer
5 within 20 days after its receipt. If the department deputy or officer fails to make
6 timely payment, the county treasurer may collect the payment from the department
7 deputy or officer by an action in the treasurer's name of office and upon the official
8 bond of the department deputy or officer, with interest at the rate of 12% per year
9 from the time when it should have been paid.

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

11 165.755 (4) If a municipal court imposes a forfeiture, after determining the
12 amount due under sub. (1) (a) the court shall collect and transmit such amount to the
13 treasurer of the county, city, town or village, and that treasurer shall make payment
14 to the state treasurer as provided in s. 66.0114 (1) ~~(b)~~ (bm).

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

16 **165.87 Law enforcement training fund assessment.** (1) LEVY OF
17 ASSESSMENT. (a) Whenever a court imposes a fine or forfeiture for a violation of state
18 law or for a violation of a municipal or county ordinance except for a violation of s.
19 101.123 (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 law enforcement training fund
22 assessment in an amount of 11% of the fine or forfeiture imposed. If multiple offenses
23 are involved, the assessment shall be based upon the total fine or forfeiture for all
24 offenses. When a fine or forfeiture is suspended in whole or in part, the assessment
25 shall be reduced in proportion to the suspension.

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

5 (c) If a fine or forfeiture is imposed by a municipal court, after a determination
6 by the court of the amount due, the court shall collect and transmit the amount to
7 the treasurer of the county, city, town, or village, and that treasurer shall make
8 payment to the state treasurer as provided in s. 66.0114 (1) (bm).

9 (d) If any deposit of bail is made for a noncriminal offense to which this
10 subsection applies, the person making the deposit shall also deposit a sufficient
11 amount to include the assessment prescribed in this subsection for forfeited bail. If
12 bail is forfeited, the amount of the assessment shall be transmitted monthly to the
13 state treasurer under this subsection. If bail is returned, the assessment shall also
14 be returned.

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

16 345.26 (1) (b) 1. If the person makes a deposit for a violation of a traffic
17 regulation, the person need not appear in court at the time fixed in the citation, and
18 the person will be deemed to have tendered a plea of no contest and submitted to a
19 forfeiture and a penalty assessment, if required by s. 757.05, a law enforcement
20 training fund assessment, if required by s. 165.87 (1), a jail assessment, if required
21 by s. 302.46 (1), a railroad crossing improvement assessment, if required by s.
22 346.177, 346.495 or 346.65 (4r), and a crime laboratories and drug law enforcement
23 assessment, if required by s. 165.755, plus any applicable fees prescribed in ch. 814,
24 not to exceed the amount of the deposit that the court may accept as provided in s.
25 345.37; and

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

2 345.26 (2) (b) In addition to the amount in par. (a), the deposit shall include
3 court costs, including any applicable fees prescribed in ch. 814, any applicable
4 penalty assessment, any applicable law enforcement training fund assessment, any
5 applicable jail assessment, any applicable railroad crossing improvement
6 assessment, and any applicable crime laboratories and drug law enforcement
7 assessment.

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

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

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

23 345.37 (1) (b) Deem the nonappearance a plea of no contest and enter judgment
24 accordingly. If the defendant has posted bond for appearance at that date, the court
25 may also order the bond forfeited. The court shall promptly mail a copy or notice of

1 the judgment to the defendant. The judgment shall allow not less than 20 days from
2 the date thereof for payment of any forfeiture, penalty assessment, law enforcement
3 training fund assessment, railroad crossing improvement assessment, crime
4 laboratories and drug law enforcement assessment, and costs imposed. If the
5 defendant moves to open the judgment within 6 months after the court appearance
6 date fixed in the citation, and shows to the satisfaction of the court that the failure
7 to appear was due to mistake, inadvertence, surprise, or excusable neglect, the court
8 shall open the judgment, accept a not guilty plea, and set a trial date. The court may
9 impose costs under s. 814.07. The court shall immediately notify the department to
10 delete the record of conviction based upon the original judgment. If the offense
11 involved is a nonmoving traffic violation and the defendant is subject to s. 345.28 (5)
12 (c), a default judgment may be entered and opened as provided in s. 345.28 (5) (c).

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

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

1 the date set for the appearance to withdraw the plea of no contest, open the judgment,
2 and enter a plea of not guilty upon a showing to the satisfaction of the court that the
3 failure to appear was due to mistake, inadvertence, surprise, or excusable neglect.
4 If on reopening the defendant is found not guilty, the court shall immediately notify
5 the department to delete the record of conviction based on the original proceeding
6 and shall order the defendant's deposit returned.

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

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

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

17 345.375 (2) Upon default of the defendant corporation or limited liability
18 company or upon conviction, judgment for the amount of the forfeiture, the penalty
19 assessment, if required under s. 757.05, the law enforcement training fund
20 assessment, if required under s. 165.87 (1), the jail assessment, if required by s.
21 302.46 (1), and the crime laboratories and drug law enforcement assessment, if
22 required under s. 165.755, shall be entered.

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

24 345.47 (1) (intro.) If the defendant is found guilty, the court may enter
25 judgment against the defendant for a monetary amount not to exceed the maximum

1 forfeiture, penalty assessment, if required by s. 757.05, the law enforcement training
2 fund assessment, if required by s. 165.87 (1), the jail assessment, if required by s.
3 302.46 (1), the railroad crossing improvement assessment, if required by s. 346.177,
4 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement
5 assessment, if required by s. 165.755, provided for the violation and for costs under
6 s. 345.53 and, in addition, may suspend or revoke his or her operating privilege under
7 s. 343.30. If the judgment is not paid, the court shall order:

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

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

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

22 345.47 (1) (c) If a court or judge suspends an operating privilege under this
23 section, the court or judge shall immediately take possession of the suspended license
24 and shall forward it to the department together with the notice of suspension, which
25 shall clearly state that the suspension was for failure to pay a forfeiture, a penalty

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

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

14 345.47 (2) The payment of any judgment may be suspended or deferred for not
15 more than 60 days in the discretion of the court. In cases where a deposit has been
16 made, any forfeitures, penalty assessments, law enforcement training fund
17 assessments, jail assessments, railroad crossing improvement assessments, crime
18 laboratories and drug law enforcement assessments, and costs shall be taken out of
19 the deposit and the balance, if any, returned to the defendant.

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

21 345.47 (3) When a defendant is imprisoned for nonpayment of a forfeiture, a
22 penalty assessment, a law enforcement training fund assessment, a jail assessment,
23 a railroad crossing improvement assessment, or a crime laboratories and drug law
24 enforcement assessment for an action brought by a municipality located in more

1 than one county, any commitment to a county institution shall be to the county in
2 which the action was tried.

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

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

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

16 345.49 (2) Any person who is subject to imprisonment under s. 345.47 for
17 nonpayment of a forfeiture, penalty assessment, law enforcement training fund
18 assessment, jail assessment, railroad crossing improvement assessment, or crime
19 laboratories and drug law enforcement assessment may be placed on probation to
20 some person satisfactory to the court for not more than 90 days or until the forfeiture,
21 penalty assessment, law enforcement training fund assessment, jail assessment,
22 railroad crossing improvement assessment, or crime laboratories and drug law
23 enforcement assessment is paid if that is done before expiration of the 90-day period.
24 The payment of the forfeiture, penalty assessment, law enforcement training fund
25 assessment, jail assessment, railroad crossing improvement assessment, or crime

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

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

8 345.61 (2) (c) “Guaranteed arrest bond certificate” as used in this section means
9 any printed card or other certificate issued by an automobile club, association or
10 insurance company to any of its members or insureds, which card or certificate is
11 signed by the member or insureds and contains a printed statement that the
12 automobile club, association or insurance company and a surety company, or an
13 insurance company authorized to transact both automobile liability insurance and
14 surety business, guarantee the appearance of the persons whose signature appears
15 on the card or certificate and that they will in the event of failure of the person to
16 appear in court at the time of trial, pay any fine or forfeiture imposed on the person,
17 including the penalty assessment required by s. 757.05, the law enforcement
18 training fund assessment required by s. 165.87 (1), the jail assessment required by
19 s. 302.46 (1), the railroad crossing improvement assessment required by s. 346.177,
20 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement
21 assessment required by s. 165.755, in an amount not exceeding \$200, or \$1,000 as
22 provided in sub. (1) (b).

23 **SECTION 68.** 346.655 (2) (b) of the statutes is amended to read:

24 346.655 (2) (b) If the forfeiture is imposed by a municipal court, the court shall
25 transmit the amount to the treasurer of the county, city, town, or village, and that

1 treasurer shall make payment of 38.5% of the amount to the state treasurer as
2 provided in s. 66.0114 (1) ~~(b)~~ (bm). The treasurer of the city, town, or village shall
3 transmit the remaining 61.5% of the amount to the treasurer of the county.

4 **SECTION 69.** 757.05 (1) (a) of the statutes is amended to read:

5 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of
6 state law or for a violation of a municipal or county ordinance except for a violation
7 of s. 101.123 (2) (a), ~~(am) 1., (ar), or (bm)~~ or (5) or state laws or municipal or county
8 ordinances involving nonmoving traffic violations or safety belt use violations under
9 s. 347.48 (2m), there shall be imposed in addition a penalty assessment in an amount
10 of ~~23%~~ 13% of the fine or forfeiture imposed. If multiple offenses are involved, the
11 penalty assessment shall be based upon the total fine or forfeiture for all offenses.
12 When a fine or forfeiture is suspended in whole or in part, the penalty assessment
13 shall be reduced in proportion to the suspension.

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

15 757.05 (1) (b) If a fine or forfeiture is imposed by a court of record, after a
16 determination by the court of the amount due, the clerk of the court shall collect and
17 transmit ~~such~~ the amount to the county treasurer as provided in s. 59.40 (2) (m). The
18 county treasurer shall then make payment to the state treasurer as provided in s.
19 59.25 (3) (f) 2.

20 **SECTION 71.** 757.05 (1) (c) of the statutes is amended to read:

21 757.05 (1) (c) If a fine or forfeiture is imposed by a municipal court, after a
22 determination by the court of the amount due, the court shall collect and transmit
23 ~~such~~ the amount to the treasurer of the county, city, town, or village, and that
24 treasurer shall make payment to the state treasurer as provided in s. 66.0114 (1) ~~(b)~~
25 (bm).

1 **SECTION 72.** 757.05 (1) (d) of the statutes is amended to read:

2 757.05 (1) (d) If any deposit of bail is made for a noncriminal offense to which
3 this ~~section~~ subsection applies, the person making the deposit shall also deposit a
4 sufficient amount to include the assessment prescribed in this ~~section~~ subsection for
5 forfeited bail. If bail is forfeited, the amount of the assessment shall be transmitted
6 monthly to the state treasurer under this ~~section~~ subsection. If bail is returned, the
7 assessment shall also be returned.

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

9 **SECTION 74.** 757.05 (2) (a) of the statutes is renumbered 165.87 (2) and
10 amended to read:

11 165.87 (2) ~~LAW ENFORCEMENT TRAINING FUND~~ USE OF ASSESSMENT MONEYS.
12 ~~Twenty seven fifty-fifths of all~~ All moneys collected from ~~penalty law enforcement~~
13 training fund assessments under sub. (1) shall be credited to the appropriation
14 account under s. 20.455 (2) (i) and utilized in accordance with ss. 20.455 (2) and
15 165.85 (5). The moneys credited to the appropriation account under s. 20.455 (2) (i),
16 except for the moneys transferred to s. 20.455 (2) (jb), constitute the law enforcement
17 training fund.

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

20 757.05 (2) ~~OTHER PURPOSES~~ USE OF PENALTY ASSESSMENT MONEYS. The moneys
21 collected from penalty assessments under sub. (1) ~~that remain after crediting the~~
22 ~~appropriation account specified in par. (a)~~ shall be credited to the appropriation
23 account under s. 20.505 (6) (j) and transferred as provided under s. 20.505 (6) (j).

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

1 **778.02 Action in name of state; complaint; attachment.** Every such
2 forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to
3 allege in the complaint that the defendant is indebted to the plaintiff in the amount
4 of the forfeiture claimed, according to the provisions of the statute that imposes it,
5 specifying the statute and for the penalty assessment imposed by s. 757.05, the law
6 enforcement training fund assessment imposed by s. 165.87 (1), the jail assessment
7 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
8 assessment imposed by s. 165.755, the enforcement assessment imposed under s.
9 253.06 (4) (c) or (5) (c), any applicable consumer ~~information~~ protection assessment
10 imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s.
11 973.055 (1). If the statute imposes a forfeiture for several offenses or delinquencies
12 the complaint shall specify the particular offense or delinquency for which the action
13 is brought, with a demand for judgment for the amount of the forfeiture, penalty
14 assessment, law enforcement training fund assessment, jail assessment, crime
15 laboratories and drug law enforcement assessment, any applicable enforcement
16 assessment, any applicable consumer ~~information~~ protection assessment, and any
17 applicable domestic abuse assessment. If the defendant is a nonresident of the state,
18 an attachment may issue.

****NOTE: This is reconciled s. 778.02. This SECTION has been affected by drafts
with the following LRB numbers: -0454 and -1394.

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

20 **778.03 Complaint to recover forfeited goods.** In an action to recover
21 property forfeited by any statute it shall be sufficient to allege in the complaint that
22 the property has been forfeited, specifying the statute, with a demand of judgment
23 for the delivery of the property, or the value thereof and for payment of the penalty

1 assessment imposed by s. 757.05, the law enforcement training fund assessment
2 imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime
3 laboratories and drug law enforcement assessment imposed by s. 165.755, the
4 enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable
5 consumer ~~information~~ protection assessment imposed by s. 100.261, and any
6 applicable domestic abuse assessment imposed by s. 973.055 (1).

****NOTE: This is reconciled s. 778.03. This SECTION has been affected by drafts
with the following LRB numbers: -0454 and -1394.

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

8 **778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a
9 specific sum or when it is not less than one sum or more than another, the action may
10 be brought for the highest sum specified and for the penalty assessment imposed by
11 s. 757.05, the law enforcement training fund assessment imposed by s. 165.87 (1), the
12 jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law
13 enforcement assessment imposed by s. 165.755, the enforcement assessment
14 imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer ~~information~~
15 protection assessment imposed by s. 100.261, and any applicable domestic abuse
16 assessment imposed by s. 973.055 (1); and judgment may be rendered for such sum
17 as the court or jury shall assess or determine to be proportionate to the offense.

****NOTE: This is reconciled s. 778.06. This SECTION has been affected by drafts
with the following LRB numbers: -0454 and -1394.

18 SECTION 79. 778.10 of the statutes is amended to read:

19 **778.10 Municipal forfeitures, how recovered.** All forfeitures imposed by
20 any ordinance or regulation of any county, town, city, or village, or of any other
21 domestic corporation may be sued for and recovered, under this chapter, in the name
22 of the county, town, city, village, or corporation. It is sufficient to allege in the

1 complaint that the defendant is indebted to the plaintiff in the amount of the
2 forfeiture claimed, specifying the ordinance or regulation that imposes it and of the
3 penalty assessment imposed by s. 757.05, the law enforcement training fund
4 assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the
5 crime laboratories and drug law enforcement assessment imposed by s. 165.755, any
6 applicable consumer ~~information~~ protection assessment imposed by s. 100.261, and
7 any applicable domestic abuse assessment imposed by s. 973.055 (1). If the
8 ordinance or regulation imposes a penalty or forfeiture for several offenses or
9 delinquencies the complaint shall specify the particular offenses or delinquency for
10 which the action is brought, with a demand for judgment for the amount of the
11 forfeiture, the penalty assessment imposed by s. 757.05, the law enforcement
12 training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by
13 s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed
14 by s. 165.755, any applicable consumer ~~information~~ protection assessment imposed
15 by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055
16 (1). All moneys collected on the judgment shall be paid to the treasurer of the county,
17 town, city, village, or corporation, except that all jail assessments shall be paid to the
18 county treasurer.

****NOTE: This is reconciled s. 778.10. This SECTION has been affected by drafts
with the following LRB numbers: -0454 and -1394.

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

20 **778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by
21 any court or any branch thereof for the violation of any municipal or county
22 ordinance shall be paid to the municipality or county. Penalty assessment payments
23 shall be made as provided in s. 757.05. Law enforcement training fund assessment

1 payments shall be made as provided in s. 165.87 (1). Jail assessment payments shall
2 be made as provided in s. 302.46 (1). Crime laboratories and drug law enforcement
3 assessment payments shall be paid as provided in s. 165.755. Domestic abuse
4 assessments shall be made as provided in s. 973.055. Consumer ~~information~~
5 protection assessment payments shall be made as provided in s. 100.261.

****NOTE: This is reconciled s. 778.105. This SECTION has been affected by drafts
with the following LRB numbers: -0454 and -1394.

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

7 **778.13 Forfeitures collected, to whom paid.** All moneys collected in favor
8 of the state for forfeiture, except the portion to be paid to any person who sues with
9 the state, shall be paid by the officer who collects the forfeiture to the treasurer of the
10 county within which the forfeiture was incurred within 20 days after its receipt. In
11 case of any failure in the payment the county treasurer may collect the payment of
12 the officer by action, in the name of the office and upon the official bond of the officer,
13 with interest at the rate of 12% per year from the time when it should have been paid.
14 Penalty assessment payments shall be made as provided in s. 757.05. Law
15 enforcement training fund assessment payments shall be made as provided in s.
16 165.87 (1). Jail assessment payments shall be made as provided in s. 302.46 (1).
17 Crime laboratories and drug law enforcement assessment payments shall be paid as
18 provided in s. 165.755. Domestic abuse assessments shall be made as provided in s.
19 973.055. Enforcement assessments shall be made as provided in s. 253.06 (4) (c).
20 Consumer ~~information~~ protection assessment payments shall be made as provided
21 in s. 100.261.

****NOTE: This is reconciled s. 778.13. This SECTION has been affected by drafts
with the following LRB numbers: -0454 and -1394.

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

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

 ****NOTE: This is reconciled s. 778.18. This SECTION has been affected by drafts
with the following LRB numbers: -0454 and -1394.

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

19 **778.25 (2) (g)** Notice that, if the defendant makes a deposit and fails to appear
20 in court at the time fixed in the citation, the failure to appear will be considered
21 tender of a plea of no contest and submission to a forfeiture, penalty assessment, law
22 enforcement training fund assessment, jail assessment, and crime laboratories and
23 drug law enforcement assessment plus costs, including any applicable fees

1 prescribed in ch. 814, not to exceed the amount of the deposit. The notice shall also
2 state that the court may decide to summon the defendant or, if the defendant is an
3 adult, issue an arrest warrant for the defendant rather than accept the deposit and
4 plea.

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

6 778.25 (3) If a person is issued a citation under this section the person may
7 deposit the amount of money the issuing agent or officer directs by mailing or
8 delivering the deposit and a copy of the citation to the clerk of court of the county
9 where the violation occurred or the office or headquarters of the agent or officer who
10 issued the citation prior to the court appearance date. The basic amount of the
11 deposit shall be determined under a deposit schedule established by the judicial
12 conference. The judicial conference shall annually review and revise the schedule.
13 In addition to the basic amount determined by the schedule the deposit shall include
14 costs, including any applicable fees prescribed in ch. 814, penalty assessment, law
15 enforcement training fund assessment, jail assessment, and crime laboratories and
16 drug law enforcement assessment.

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

18 778.25 (5) A person receiving a deposit shall prepare a receipt in triplicate
19 showing the purpose for which the deposit is made, stating that the defendant may
20 inquire at the office of the clerk of court regarding the disposition of the deposit, and
21 notifying the defendant that if he or she fails to appear in court at the time fixed in
22 the citation he or she will be deemed to have tendered a plea of no contest and
23 submitted to a forfeiture, penalty assessment, law enforcement training fund
24 assessment, jail assessment, and crime laboratories and drug law enforcement
25 assessment plus costs, including any applicable fees prescribed in ch. 814, not to

1 exceed the amount of the deposit which the court may accept. The original of the
2 receipt shall be delivered to the defendant in person or by mail. If the defendant pays
3 by check, the check is the receipt.

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

5 778.25 (8) (b) If the defendant has made a deposit, the citation may serve as
6 the initial pleading and the defendant shall be considered to have tendered a plea
7 of no contest and submitted to a forfeiture, penalty assessment, law enforcement
8 training fund assessment, jail assessment, and crime laboratories and drug law
9 enforcement assessment plus costs, including any applicable fees prescribed in ch.
10 814, not exceeding the amount of the deposit. The court may either accept the plea
11 of no contest and enter judgment accordingly, or reject the plea and issue a summons
12 or arrest warrant, except if the defendant is a minor the court shall proceed under
13 s. 938.28. Chapter 938 governs taking and holding a minor in custody. If the court
14 accepts the plea of no contest, the defendant may move within 90 days after the date
15 set for appearance to withdraw the plea of no contest, open the judgment, and enter
16 a plea of not guilty if the defendant shows to the satisfaction of the court that failure
17 to appear was due to mistake, inadvertence, surprise, or excusable neglect. If a party
18 is relieved from the plea of no contest, the court or judge may order a written
19 complaint or petition to be filed. If on reopening the defendant is found not guilty,
20 the court shall delete the record of conviction and shall order the defendant's deposit
21 returned.

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

23 778.25 (10) An officer collecting moneys for a forfeiture, penalty assessment,
24 law enforcement training fund assessment, jail assessment, crime laboratories and
25 drug law enforcement assessment, and costs under this section shall pay the same

1 to the appropriate municipal or county treasurer within 20 days after its receipt by
2 the officer, except that all jail assessments shall be paid to the county treasurer. If
3 the officer fails to make timely payment, the municipal or county treasurer may
4 collect the payment from the officer by an action in the treasurer's name of office and
5 upon the official bond of the officer, with interest at the rate of 12% per year from the
6 time when it should have been paid.

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

8 778.26 (2) (e) The maximum forfeiture, penalty assessment, law enforcement
9 training fund assessment, jail assessment, and crime laboratories and drug law
10 enforcement assessment for which the defendant is liable.

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

12 778.26 (2) (g) Notice that, if the defendant makes a deposit and fails to appear
13 in court at the time specified in the citation, the failure to appear will be considered
14 tender of a plea of no contest and submission to a forfeiture, penalty assessment, law
15 enforcement training fund assessment, jail assessment, and crime laboratories and
16 drug law enforcement assessment plus costs not to exceed the amount of the deposit.
17 The notice shall also state that the court, instead of accepting the deposit and plea,
18 may decide to summon the defendant or may issue an arrest warrant for the
19 defendant upon failure to respond to a summons.

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

21 778.26 (2) (h) Notice that, if the defendant makes a deposit and signs the
22 stipulation, the stipulation will be treated as a plea of no contest and submission to
23 a forfeiture, penalty assessment, law enforcement training fund assessment, jail
24 assessment, and crime laboratories and drug law enforcement assessment plus costs
25 not to exceed the amount of the deposit. The notice shall also state that the court,

1 instead of accepting the deposit and stipulation, may decide to summon the
2 defendant or issue an arrest warrant for the defendant upon failure to respond to a
3 summons, and that the defendant may, at any time prior to or at the time of the court
4 appearance date, move the court for relief from the effect of the stipulation.

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

6 778.26 (3) A defendant issued a citation under this section may deposit the
7 amount of money the issuing officer directs by mailing or delivering the deposit and
8 a copy of the citation prior to the court appearance date to the clerk of the circuit court
9 in the county where the violation occurred or to the sheriff's office or police
10 headquarters of the officer who issued the citation. The basic amount of the deposit
11 shall be determined under a deposit schedule established by the judicial conference.
12 The judicial conference shall annually review and revise the schedule. In addition
13 to the basic amount determined by the schedule the deposit shall include the penalty
14 assessment, law enforcement training fund assessment, jail assessment, crime
15 laboratories and drug law enforcement assessment, and costs.

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

17 778.26 (4) A defendant may make a stipulation of no contest by submitting a
18 deposit and a stipulation in the manner provided by sub. (3) prior to the court
19 appearance date. The signed stipulation is a plea of no contest and submission to a
20 forfeiture plus the penalty assessment, law enforcement training fund assessment,
21 jail assessment, crime laboratories and drug law enforcement assessment, and costs
22 not to exceed the amount of the deposit.

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

24 778.26 (5) Except as provided by sub. (6), a person receiving a deposit shall
25 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 he or she
3 fails to appear in court at the time specified in the citation he or she shall be
4 considered to have tendered a plea of no contest and submitted to a forfeiture,
5 penalty assessment, law enforcement training fund assessment, jail assessment,
6 and crime laboratories and drug law enforcement assessment plus costs not to exceed
7 the amount of the deposit and that the court may accept the plea. The original of the
8 receipt shall be delivered to the defendant in person or by mail. If the defendant pays
9 by check, the canceled check is the receipt.

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

11 778.26 (6) The person receiving a deposit and stipulation of no contest 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 the
15 stipulation of no contest is accepted by the court the defendant will be considered to
16 have submitted to a forfeiture, penalty assessment, law enforcement training fund
17 assessment, jail assessment, and crime laboratories and drug law enforcement
18 assessment plus costs not to exceed the amount of the deposit. Delivery of the receipt
19 shall be made in the same manner as provided in sub. (5).

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

21 778.26 (7) (b) If the defendant has made a deposit, the citation may serve as
22 the initial pleading and the defendant shall be considered to have tendered a plea
23 of no contest and submitted to a forfeiture, penalty assessment, law enforcement
24 training fund assessment, jail assessment, and crime laboratories and drug law
25 enforcement assessment plus costs not to exceed the amount of the deposit. The court

1 may either accept the plea of no contest and enter judgment accordingly, or reject the
2 plea and issue a summons. If the defendant fails to appear in response to the
3 summons, the court shall issue an arrest warrant. If the court accepts the plea of no
4 contest, the defendant may, within 90 days after the date set for appearance, move
5 to withdraw the plea of no contest, open the judgment, and enter a plea of not guilty
6 if the defendant shows to the satisfaction of the court that failure to appear was due
7 to mistake, inadvertence, surprise, or excusable neglect. If a defendant is relieved
8 from the plea of no contest, the court may order a written complaint or petition to be
9 filed. If on reopening the defendant is found not guilty, the court shall delete the
10 record of conviction and shall order the defendant's deposit returned.

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

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

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

1 778.26 (9) An officer who collects a forfeiture, penalty assessment, law
2 enforcement training fund assessment, jail assessment, and crime laboratories and
3 drug law enforcement assessment and costs under this section shall pay the money
4 to the county treasurer within 20 days after its receipt. If the officer fails to make
5 timely payment, the county treasurer may collect the payment from the officer by an
6 action in the treasurer's name of office and upon the official bond of the officer, with
7 interest at the rate of 12% per year from the time when it should have been paid.

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

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

****NOTE: This is reconciled s. 800.02 (2) (a) 8. This SECTION has been affected by
drafts with the following LRB numbers: -0454 and -1394.

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

19 800.02 (3) (a) 5. A plain and concise statement of the violation identifying the
20 event or occurrence from which the violation arose and showing that the plaintiff is
21 entitled to relief, the ordinance, resolution or bylaw upon which the cause of action
22 is based and a demand for a forfeiture, the amount of which shall not exceed the
23 maximum set by the statute involved, the penalty assessment, the law enforcement

1 training fund assessment, the jail assessment, the crime laboratories and drug law
2 enforcement assessment, any applicable consumer ~~information~~ protection
3 assessment, any applicable domestic abuse assessment, and such other relief that
4 is sought by the plaintiff.

****NOTE: This is reconciled s. 800.02 (3) (a) 5. This SECTION has been affected by
drafts with the following LRB numbers: -0454 and -1394.

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

6 800.03 (3) The amount of the deposit shall be set by the municipal judge, but
7 shall not be effective until approved by the governing body of the municipality. The
8 amount shall not exceed the maximum penalty for the offense, including any penalty
9 assessment that would be applicable under s. 757.05, any law enforcement training
10 fund assessment that would be applicable under s. 165.87 (1), any jail assessment
11 that would be applicable under s. 302.46 (1), any crime laboratories and drug law
12 enforcement assessment that would be applicable under s. 165.755, any consumer
13 ~~information protection~~ assessment that would be applicable under s. 100.261, and
14 any domestic abuse assessment that would be applicable under s. 973.055 (1), plus
15 court costs, including the fee prescribed in s. 814.65 (1).

****NOTE: This is reconciled s. 800.03 (3). This SECTION has been affected by drafts
with the following LRB numbers: -0454 and -1394.

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

17 800.04 (2) (b) If the municipal judge determines that the defendant should not
18 be released under par. (a) and the defendant is charged with a traffic or boating
19 violation, the municipal judge shall release the defendant on a deposit in the amount
20 established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66.
21 For other violations, the municipal judge shall establish a deposit in an amount not
22 to exceed the maximum penalty for the offense, including any penalty assessment

1 that would be applicable under s. 757.05, any law enforcement training fund
2 assessment that would be applicable under s. 165.87 (1), any jail assessment that
3 would be applicable under s. 302.46 (1), any crime laboratories and drug law
4 enforcement assessment that would be applicable under s. 165.755, any consumer
5 information protection assessment that would be applicable under s. 100.261, and
6 any domestic abuse assessment that would be applicable under s. 973.055 (1). If the
7 judge in a 1st class city determines that a defendant appearing before the judge
8 through interactive video and audio transmission should not be released under par.
9 (a), the judge shall inform the defendant that he or she has the right to appear
10 personally before a judge for a determination, not prejudiced by the first appearance,
11 as to whether he or she should be released without a deposit. On failure of the
12 defendant to make a deposit under this paragraph, he or she may be committed to
13 jail pending trial only if the judge finds that there is a reasonable basis to believe the
14 person will not appear in court.

****NOTE: This is reconciled s. 800.04 (2) (b). This SECTION has been affected by
drafts with the following LRB numbers: -0454 and -1394.

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

16 800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03
17 and does not appear, he or she is deemed to have tendered a plea of no contest and
18 submits to a forfeiture, a penalty assessment imposed by s. 757.05, a law
19 enforcement training fund assessment imposed by s. 165.87 (1), a jail assessment
20 imposed by s. 302.46 (1), a crime laboratories and drug law enforcement assessment
21 imposed by s. 165.755, any applicable consumer information protection assessment
22 imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s.
23 973.055 (1) plus costs, including the fee prescribed in s. 814.65 (1), not exceeding the

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

****NOTE: This is reconciled s. 800.04 (2) (c). This SECTION has been affected by
drafts with the following LRB numbers: -0454 and -1394.

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

9 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it
10 may render judgment by ordering restitution under s. 800.093 and payment of a
11 forfeiture, the penalty assessment imposed by s. 757.05, the law enforcement
12 training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by
13 s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed
14 by s. 165.755, any applicable consumer ~~information~~ protection assessment imposed
15 by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055
16 (1) plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The court
17 shall apply any payment received on a judgment that includes restitution to first
18 satisfy any payment of restitution ordered, then to pay the forfeiture, assessments,
19 and costs. If the judgment is not paid, the court may proceed under par. (a), (b), or
20 (c) or any combination of those paragraphs, as follows:

****NOTE: This is reconciled s. 800.09 (1) (intro.). This SECTION has been affected
by drafts with the following LRB numbers: -0454 and -1394.

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

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

****NOTE: This is reconciled s. 800.09 (1) (a). This SECTION has been affected by
drafts with the following LRD numbers: -0454 and -1394.

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

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

1 imposed, together with the penalty assessment, the law enforcement training fund
2 assessment, the jail assessment, the crime laboratories and drug law enforcement
3 assessment, any applicable consumer ~~information~~ protection assessment, and any
4 applicable domestic abuse assessment plus costs. If the court finds that the violation
5 meets the conditions in s. 800.093 (1), the court may summon the alleged violator into
6 court to determine if restitution shall be ordered under s. 800.093. Any money
7 remaining after payment of any penalties, assessments, costs, and restitution shall
8 be refunded to the person who made the deposit.

****NOTE: This is reconciled s. 800.09 (2) (b). This SECTION has been affected by
drafts with the following LRB numbers: -0454 and -1394.

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

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

****NOTE: This is reconciled s. 800.10 (2). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

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

2 800.12 (2) A municipality may by ordinance provide that a municipal judge
3 may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50
4 or, upon nonpayment of the forfeiture, penalty assessment under s. 757.05, law
5 enforcement training fund assessment under s. 165.87 (1), jail assessment under s.
6 302.46, crime laboratories and drug law enforcement assessment under s. 165.755,
7 any applicable consumer ~~information~~ protection assessment under s. 100.261, and
8 any applicable domestic abuse assessment under s. 973.055 (1), a jail sentence not
9 to exceed 7 days.

****NOTE: This is reconciled s. 800.12 (2). This SECTION has been affected by drafts with the following LRB numbers: -0454 and -1394.

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

11 814.60 (2) (ad) Law enforcement training fund assessment imposed by s.
12 165.87 (1).

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

14 814.63 (3) (ad) Law enforcement training fund assessment imposed by s.
15 165.87 (1).

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

17 938.237 (2) The procedures for issuance and filing of a citation, and for
18 forfeitures, stipulations and deposits in ss. 23.50 to 23.67, 23.75 (3) and (4), 66.0113
19 [s. 66.0114], 778.25, 778.26, and 800.01 to 800.04 except s. 800.04 (2) (b), when the
20 citation is issued by a law enforcement officer, shall be used as appropriate, except
21 that this chapter shall govern taking and holding a juvenile in custody, s. 938.37 shall
22 govern costs, penalty assessments, law enforcement training fund assessments, and

1 jail assessments, and a *capias* shall be substituted for an arrest warrant. Sections
2 66.0113 (3) (c) and (d), 66.0317 (1) [s. 66.0114 (1)] and 778.10 as they relate to
3 collection of forfeitures do not apply.

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

5 938.37 (3) Notwithstanding sub. (1), courts of civil and criminal jurisdiction
6 exercising jurisdiction under s. 938.17 may assess the same costs, penalty
7 assessments, law enforcement training fund assessments, and jail assessments
8 against juveniles as they may assess against adults, except that witness fees may not
9 be charged to the juvenile.

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

11 961.41 (5) (a) When a court imposes a fine for a violation of this section, it shall
12 also impose a drug abuse program improvement surcharge in an amount of 50% of
13 the fine ~~and~~, penalty assessment, and law enforcement training fund assessment
14 imposed.

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

16 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant
17 permission for the payment of the fine, of the penalty assessment imposed by s.
18 757.05, the law enforcement training fund assessment imposed by s. 165.87 (1), the
19 jail assessment imposed by s. 302.46 (1), the crime victim and witness assistance
20 surcharge under s. 973.045, the crime laboratories and drug law enforcement
21 assessment imposed by s. 165.755, any applicable deoxyribonucleic acid analysis
22 surcharge under s. 973.046, any applicable drug abuse program improvement
23 surcharge imposed by s. 961.41 (5), any applicable consumer ~~information~~ protection
24 assessment imposed by s. 100.261, any applicable domestic abuse assessment
25 imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver improvement

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

****NOTE: This is reconciled s. 973.05 (1). This SECTION has been affected by drafts
with the following LRB numbers: -0454 and -1394.

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

20 973.05 (2) When a defendant is sentenced to pay a fine and is also placed on
21 probation, the court may make the payment of the fine, the penalty assessment, the
22 law enforcement training fund assessment, the jail assessment, the crime victim and
23 witness assistance surcharge, the crime laboratories and drug law enforcement

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

1 payment of the wild animal protection assessment if applicable until paid in full,
2 shall then be applied to payment of the weapons assessment until paid in full, shall
3 then be applied to payment of the uninsured employer assessment until paid in full,
4 shall then be applied to payment of the enforcement assessment under s. 253.06 (4)
5 (c), if applicable, until paid in full, and shall then be applied to payment of the fine.

****NOTE: This is reconciled s. 973.05 (2). This SECTION has been affected by drafts
with the following LRB numbers: -0454 and -1394.

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

7 973.055 (2) (b) If the assessment is imposed by a municipal court, after a
8 determination by the court of the amount due, the court shall collect and transmit
9 the amount to the treasurer of the county, city, town, or village, and that treasurer
10 shall make payment to the state treasurer as provided in s. 66.0114 (1) ~~(b)~~ (bm).

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

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

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

****NOTE: This is reconciled s. 973.07. This SECTION has been affected by drafts
with the following LRB numbers: -0454 and -1394.

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

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

16 **SECTION 119.** 1999 Wisconsin Act 9, section 9201 (2p) is repealed.

17 **SECTION 120.** 1999 Wisconsin Act 9, section 9211 (title) and (2g) are repealed.

18 **SECTION 121.** 1999 Wisconsin Act 9, section 9230 (title) and (1) are repealed.

19 **SECTION 122.** 1999 Wisconsin Act 9, section 9230 (2m) is repealed.

20 **SECTION 123.** 1999 Wisconsin Act 9, section 9230 (3m) is repealed.

21 **SECTION 124.** 1999 Wisconsin Act 9, section 9238 (title) and (1h) are repealed.

22 **SECTION 125.** 1999 Wisconsin Act 9, section 9239 (title) and (1h) are repealed.

23 **SECTION 126.** 1999 Wisconsin Act 9, section 9239 (2h) is repealed.

SECTION 9201. Appropriation changes; administration.

(1) PENALTY ASSESSMENT RECEIPTS. The department of administration shall transfer from the appropriation account under section 20.505 (6) (j) (intro.) of the statutes to the appropriation account under section 20.455 (2) (i) of the statutes twenty-seven fifty-fifths of moneys received in fiscal year 2001-02 from the penalty assessment surcharge under section 757.05 (2) (b), 1999 stats., on court fines and forfeitures for violations that occur before the effective date of this subsection.

SECTION 9359. Initial applicability; other.

(1) PENALTY ASSESSMENT AND LAW ENFORCEMENT TRAINING FUND ASSESSMENT. The treatment of sections 23.50 (1), (2), and (3), 23.51 (3t) and (8), 23.53 (1), 23.54 (3) (e), (i), and (j), 23.55 (1) (b), 23.66 (2) and (4), 23.67 (2) and (3), 23.75 (3) (a) 2., (b), and (c), 23.79 (1), 23.80 (2), 23.84, 23.85, 48.37 (2), 59.25 (3) (f) 2., 59.40 (2) (m), 66.0113 (1) (b) 7. c. and d. and (c) and (3) (a), (b), (c), and (d), 66.0114 (1) (b) and (bm), 102.85 (5) (a), 102.87 (2) (e), (g), and (h), (3), (4), (5), (6), (7) (b) and (c), and (9), 165.87 (1) (a), (b), (c), and (d), 345.26 (1) (b) 1. and (2) (b), 345.36 (2) (b), 345.37 (1) (b), (2), and (5), 345.375 (2), 345.47 (1) (intro.), (b), and (c), (2), and (3), 345.49 (1) and (2), 345.61 (2) (c), 346.655 (2) (b), 757.05 (1) (a), (b), (c), and (d) and (2) (title), 778.02, 778.03, 778.06, 778.10, 778.105, 778.13, 778.18, 778.25 (2) (g), (3), (5), (8), and (10), 778.26 (2) (e), (g), and (h), 778.26 (3), (4), (5), (6), (7) (b) and (c), and (9), 800.02 (2) (a) 8. and (3) (a) 5., 800.03 (3), 800.04 (2) (b) and (c), 800.09 (1) (intro.) and (a) and (2) (b), 800.10 (2), 800.12 (2), 814.60 (2) (ad), 814.63 (3) (ad), 938.237 (2), 938.37 (3), 961.41 (5) (a), 973.05 (1) and (2), 973.055 (2) (b), and 973.07 of the statutes (with respect to treatment of the penalty assessment and the law enforcement training fund assessment); and the renumbering and amendment of section 757.05 (2) (a) and (b)

1 of the statutes; first apply to penalty assessments and law enforcement training fund
2 assessments imposed on the effective date of this subsection.

3 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1394/1dn
RLR:kmg:ch

February 7, 2001

William Walker:

Andrew Statz and *Jim Matson*

This draft reconciles LRB-0454, and LRB-1394. Both of these drafts should continue to appear in the compiled bill.

The draft also adds an initial applicability provision for the division of the 23% penalty assessment into a 13% penalty assessment and an 11% law enforcement training fund assessment. As requested by DOA, changes to the penalty assessment and the creation of the law enforcement training fund assessment first apply to penalty assessments and law enforcement training fund assessments imposed on the effective date of the budget. A court may find that this initial applicability provision renders the bill an unconstitutional ex post facto law as applied to fines and forfeitures imposed for violations that occur before the effective date of the budget bill.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

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

LRB-1394/2dn
RLR:kmg:jf

February 8, 2001

Andrew Statz and William Walker:

This draft reconciles LRB-0454, and LRB-1394. Both of these drafts should continue to appear in the compiled bill.

The draft also adds an initial applicability provision for the division of the 23% penalty assessment into a 13% penalty assessment and an 11% law enforcement training fund assessment. As requested by DOA, changes to the penalty assessment and the creation of the law enforcement training fund assessment first apply to penalty assessments and law enforcement training fund assessments imposed on the effective date of the budget. A court may find that this initial applicability provision renders the bill an unconstitutional *ex post facto* law as applied to fines and forfeitures imposed for violations that occur before the effective date of the budget bill.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

Ryan, Robin

From: Ryan, Robin

Sent: February 08, 2001 2:13 PM

To: Johnston, James

Subject: Initial Applicability of changes to the penalty assessment

Jim, I do not believe that there are any Wisconsin cases that address the constitutionality of applying a change in the penalty assessment to a violation that occurred before the effective date of the change. However, an Illinois appeals court did address a similar question and found that the application of an amended penalty assessment to a violation that took place before the effective date of the amendment was an ex post facto law. The case is State v. Timmons, 114 Ill. App. 3d. 861; 449 N.E. 2d 1366 (1983). The relevant discussion is on the last page of the opinion.

Let me know if you want to discuss this further.

02/08/2001