

1           \***-0610/3.4\*** SECTION 3718. 565.30 (5m) (a) of the statutes is amended to read:

2           565.30 (5m) (a) The administrator shall report to the department of workforce  
3 development the name, address and social security number of each winner of person  
4 to whom a lottery prize that is payable in instalments will be paid under sub. (1) or  
5 (2g) and the name, address and social security number or federal income tax number  
6 of the of each person who has been assigned a lottery prize that is payable in  
7 instalments. Upon receipt of the report, the department of workforce development  
8 shall certify to the administrator whether any payee or assignee named in the report  
9 is obligated to provide child support, spousal support, maintenance or family support  
10 under s. 767.02 (1) (f) or (g), 767.10, 767.23, 767.25, 767.26, 767.261, 767.458 (3),  
11 767.465 (2m), 767.477, 767.51 (3), 767.62 (4) or 948.22 (7) or ch. 769 and the amount  
12 required to be withheld from the lottery prize under s. 767.265. Subject to par. (b),  
13 the administrator shall withhold the certified amount from each payment made to  
14 the winner or assignee and remit the certified amount to the department of workforce  
15 development.

16           \***-0610/3.5\*** SECTION 3719. 565.30 (5r) (a) of the statutes is amended to read:

17           565.30 (5r) (a) Annually, the administrator shall provide each clerk of circuit  
18 court in the state with a list of the winner persons to whom a lottery prize that is  
19 payable in installments will be paid under sub. (1) or (2g) or assignees of persons to  
20 whom a lottery prize that is payable in instalments has been assigned. The list shall  
21 include each winner person to whom a lottery prize that is payable in installments  
22 will be paid under sub. (1) or (2g) or assignee since the date of the previous list.

23           \***-0878/2.19\*** SECTION 3720. 600.01 (1) (b) 8. of the statutes is amended to read:

24           600.01 (1) (b) 8. Guarantees of the Wisconsin Housing and Economic  
25 Development Authority under s. 234.68, 1995 stats., s. 234.69, 1995 stats., s.

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1 234.765, 1995 stats., s. 234.82, 1995 stats., s. 234.87, 1995 stats., and ss. 234.67,  
2 234.83, 234.84, 234.90, ~~234.905~~, 234.907, and 234.91.

3 **\*-0472/1.6\* SECTION 3721.** 601.04 (4) of the statutes is amended to read:

4 601.04 (4) FEES. Every insurer or plan obtaining or renewing its certificate  
5 shall pay the fee required by s. 601.31 (1) (b) or (c) or a rule promulgated under s.  
6 601.31 (4) with respect to s. 601.31 (1) (b) or (c).

7 **\*-0472/1.7\* SECTION 3722.** 601.31 (1) (intro.) of the statutes is amended to  
8 read:

9 601.31 (1) (intro.) The following fees, unless revised by the commissioner as  
10 provided in s. 601.32, or unless the commissioner specifies a different amount by  
11 rule, shall be paid to the commissioner:

12 **\*-0472/1.8\* SECTION 3723.** 601.31 (1) (L) (intro.) of the statutes is renumbered  
13 601.31 (1) (L) and amended to read:

14 601.31 (1) (L) For issuing or enlarging the scope of a corporation, limited  
15 liability company, or partnership intermediary's license or a license to place business  
16 under s. 618.41, amounts to be set by the commissioner by rule ~~but not to exceed:~~

17 **\*-0472/1.9\* SECTION 3724.** 601.31 (1) (L) 2. of the statutes is repealed.

18 **\*-0472/1.10\* SECTION 3725.** 601.31 (1) (L) 3. of the statutes is repealed.

19 **\*-0472/1.11\* SECTION 3726.** 601.31 (1) (mc) of the statutes is amended to read:

20 601.31 (1) (mc) For regulating a holder of a license to place business under s.  
21 618.41, annually after the year in which the initial license is issued, an amount to  
22 be set by the commissioner by rule and paid at times and under procedures set by the  
23 commissioner, ~~but not to exceed \$100.~~

24 **\*-0472/1.12\* SECTION 3727.** 601.31 (1) (n) of the statutes is amended to read:

1           601.31 (1) (n) For listing, or renewing a listing of, an agent under s. 628.11, a  
2 fee to be set by the commissioner by rule ~~but not to exceed \$8 annually for resident~~  
3 ~~agents or \$24 annually for nonresident agents.~~

4           \*~~-0472/1.13~~\* SECTION 3728. 601.31 (1) (x) 1. of the statutes is amended to read:

5           601.31 (1) (x) 1. For issuing approval to an organization to offer prelicensing  
6 or continuing education courses or programs for intermediaries under s. 628.04 (3),  
7 a fee to be set by the commissioner by rule, ~~but not to exceed \$500.~~

8           \*~~-0472/1.14~~\* SECTION 3729. 601.31 (1) (x) 2. of the statutes is amended to read:

9           601.31 (1) (x) 2. ~~By organizations approved under subd. 1., for~~ For renewing  
10 the approval of ~~such organizations~~ an organization approved under subd. 1.,  
11 annually after the year in which the approval under subd. 1. is issued, an amount  
12 to be set and paid at times and under procedure set by the commissioner by rule, ~~but~~  
13 ~~not to exceed \$100.~~

14           \*~~-0472/1.15~~\* SECTION 3730. 601.31 (1) (x) 3. of the statutes is amended to read:

15           601.31 (1) (x) 3. ~~By organizations approved under subd. 1., for~~ For submitting  
16 by an organization approved under subd. 1., for initial approval or approval of any  
17 subsequent modification, each course for prelicensing or continuing education, a fee  
18 to be set by the commissioner by rule, ~~but not to exceed \$25 per credit hour.~~

19           \*~~-0472/1.16~~\* SECTION 3731. 601.31 (2) of the statutes is amended to read:

20           601.31 (2) Town mutuals and insurers operating under subch. I of ch. 616 are  
21 exempt from all provisions of this section except ~~sub.~~ subs. (1) (b), (c), and (q) and (4)  
22 with respect to fees under sub. (1) (b), (c), and (q).

23           \*~~-0472/1.17~~\* SECTION 3732. 601.31 (4) of the statutes is created to read:

24           601.31 (4) Except as provided in sub. (1) (L), (m), (mc), (n), (o), and (x) 1., 2., and  
25 3., and subject to sub. (3), the commissioner may by rule specify a fee amount that

1 is different from an amount specified under sub. (1). Subject to sub. (3), a rule  
2 promulgated for a fee required under sub. (1) may provide for a maximum fee  
3 amount, and the commissioner may charge a lesser amount than the maximum fee  
4 amount specified in the rule.

5 **\*-0472/1.18\* SECTION 3733.** 601.32 (1) of the statutes is amended to read:

6 601.32 (1) If Notwithstanding that a rule promulgated under s. 601.31 (4) may  
7 provide for a maximum fee amount, if the moneys credited to s. 20.145 (1) (g) under  
8 other sections of the statutes prove inadequate for the office's supervision of  
9 insurance industry program, the commissioner may increase any or all of the fees  
10 imposed fee amounts specified by s. 601.31 or a rule under s. 601.31, or may in any  
11 year levy a special assessment on all domestic insurers, or both, for the general  
12 operation of that program.

13 **\*-0472/1.19\* SECTION 3734.** 601.33 of the statutes is amended to read:

14 **601.33 Exemption from taxation.** Municipal insurance mutuals organized  
15 under s. 611.11 (4) are not subject to any taxes or fees except those imposed by under  
16 ss. 601.31 and 601.32.

17 **\*-0911/4.5\* SECTION 3735.** 601.415 (13) of the statutes is created to read:

18 601.415 (13) **SUBSTANTIALLY SIMILAR HEALTH CARE BENEFITS COVERAGE RULES.** The  
19 commissioner shall promulgate the rules required under s. 111.70 (4) (cm) 8s. b. and  
20 (o), setting out a standardized summary of benefits provided under health care  
21 coverage policies and plans for use in determining benefit similarities and  
22 differences among policies and plans.

23 **\*-0476/1.1\* SECTION 3736.** 601.47 (2) of the statutes is amended to read:

24 601.47 (2) **ANNUAL REPORT.** The commissioner shall determine the form for and  
25 have printed the report required in s. 601.46 (3), in number sufficient and shall have

1 the report published in sufficient quantity to meet all requests for copies. The  
2 commissioner shall distribute copies upon request to any person who pays the  
3 reasonable price thereof determined for the report under sub. (1).

4 **\*-0472/1.20\* SECTION 3737.** 601.51 (1) of the statutes is amended to read:

5 601.51 (1) CERTIFIED COPIES. On request of any insurer authorized to do a surety  
6 business and its payment of the fee under s. 601.31 (1), the commissioner shall mail  
7 a certified copy of its certificate of authority to any designated public officer in this  
8 state who requires such a certificate before accepting a bond. That public officer shall  
9 file it. Whenever a certified copy has been furnished to a public officer it is  
10 unnecessary, while the certificate remains effective, to attach a copy of it to any  
11 instrument of suretyship filed.

12 **\*-0472/1.21\* SECTION 3738.** 601.72 (4) of the statutes is amended to read:

13 601.72 (4) FEES. Litigants serving process on the commissioner under this  
14 section shall pay the fees specified in s. 601.31 (1) (p) or a rule promulgated under  
15 s. 601.31 (4) with respect to s. 601.31 (1) (p).

16 **\*-0676/2.45\* SECTION 3739.** 601.93 (2) of the statutes is amended to read:

17 601.93 (2) Every insurer doing a fire insurance business in this state shall,  
18 before March 1 ~~in~~ of each year, file with the commissioner a statement, showing the  
19 amount of premiums upon fire insurance due for the preceding calendar year.  
20 Return premiums may be deducted in determining the premium on which the fire  
21 department dues are computed. Payments of quarterly ~~instalments~~ installments of  
22 the total estimated payment for the then current calendar year under this subsection  
23 are due on or before April 15, June 15, September 15, and December 15. On March  
24 1, the insurer shall pay any additional amounts due for the preceding calendar year.  
25 Overpayments will be credited on the amount due April 15. The commissioner shall,

1 ~~prior to before~~ May 1 of each year, report to the department of commerce the amount  
2 of dues paid under this subsection and to be paid under s. ~~101.573 (1)~~ 604.04 (3) (b).

3 **\*-0676/2.46\* SECTION 3740.** 604.04 (3) of the statutes is renumbered 604.04  
4 (3) (a).

5 **\*-0676/2.47\* SECTION 3741.** 604.04 (3) (b) of the statutes is created to read:  
6 604.04 (3) (b) Before May 1 of each year, the local government property  
7 insurance fund shall be charged fire department dues equal to 2% of the amount of  
8 all premiums that, during the preceding calendar year, have been paid into the state  
9 treasury for the benefit of the local government property insurance fund.

10 **\*-0676/2.48\* SECTION 3742.** 607.21 (intro.) of the statutes is amended to read:  
11 **607.21 Payments from life fund.** (intro.) In addition to the payments under  
12 s. 604.04 (3) (a), and the payments which become due under its policies, the life fund  
13 shall pay:

14 **\*-1740/1.1\* SECTION 3743.** 611.67 (1) (intro.) and (c) of the statutes are  
15 consolidated, renumbered 611.67 (1), and amended to read:

16 611.67 (1) In this section: (e) ~~Management~~, management authority means  
17 the authority to exercise any management control of the corporation or of its  
18 underwriting, loss adjustment, investment, general servicing, or production  
19 function or other major corporate function.

20 **\*-1740/1.2\* SECTION 3744.** 611.67 (1) (a) of the statutes is repealed.

21 **\*-1740/1.3\* SECTION 3745.** 611.67 (1) (b) of the statutes is repealed.

22 **\*-1740/1.4\* SECTION 3746.** 611.67 (1) (d) of the statutes is repealed.

23 **\*-1740/1.5\* SECTION 3747.** 611.67 (2) of the statutes is amended to read:

1           611.67 (2) ~~Except as provided in sub. (3), a~~ A corporation may not be a party  
2 to a contract ~~which that~~ has the effect of delegating management authority to a  
3 person to the substantial exclusion of the board.

4           \*~~-1740/1.6~~\* SECTION 3748. 611.67 (3) of the statutes is repealed.

5           \*~~-1740/1.7~~\* SECTION 3749. 611.67 (4) of the statutes is repealed.

6           \*~~-2389/1.5~~\* SECTION 3750. 614.80 of the statutes is amended to read:

7           **614.80 Tax exemption.** Every domestic and nondomestic fraternal, except  
8 those that offer a health maintenance organization as defined in s. 609.01 (2) or a  
9 limited service health organization as defined in s. 609.01 (3) is exempt from all state,  
10 county, district, municipal and school taxes or fees, except the fees required by s.  
11 601.31 (2), but is required to pay all taxes and special assessments on its real estate  
12 and office equipment, except as provided in ss. 70.11 (4) and 70.1105 (1).

13           \*~~-0472/1.22~~\* SECTION 3751. 616.20 (5) of the statutes is amended to read:

14           616.20 (5) FEES. A new corporation formed under this section is not subject to  
15 the fees under s. 601.31 ~~(1) or (2)~~.

16           \*~~-0472/1.23~~\* SECTION 3752. 616.74 (2) of the statutes is amended to read:

17           616.74 (2) No certificate of authority shall be issued by the commissioner until  
18 the company has paid to the commissioner the fee required by s. 601.31 (1) (b) or a  
19 rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (b).

20           \*~~-1740/1.8~~\* SECTION 3753. 618.22 (1) of the statutes is amended to read:

21           618.22 (1) FILING OF CONTRACT. No nondomestic insurer may be a party to any  
22 exclusive agency contract or management contract as ~~defined~~ described in ss. 611.66  
23 and 611.67, respectively, unless the contract is filed with the commissioner and not  
24 disapproved under this section within 30 days after filing, or such reasonable  
25 extended period as the commissioner may specify by notice given within the 30 days.

1           \*~~1740/1.9~~\* SECTION 3754. 618.22 (2) (intro.) of the statutes is amended to  
2 read:

3           618.22 (2) DISAPPROVAL. (intro.) The commissioner shall disapprove a contract  
4 under specified in sub. (1) or s. 611.67 if he or she finds that:

5           \*~~0472/1.24~~\* SECTION 3755. 618.41 (7) (b) of the statutes is amended to read:  
6           618.41 (7) (b) The fee for issuance of a surplus lines license is the fee required  
7 by under s. 601.31 (1) (L) 3.

8           \*~~0472/1.25~~\* SECTION 3756. 626.09 (4) of the statutes is amended to read:  
9           626.09 (4) FEES. ~~Section~~ Sections 601.31 (1) (c) 2. applies and (4) and 601.32  
10 apply to the bureau.

11           \*~~0472/1.26~~\* SECTION 3757. 632.68 (2) (b) (intro.) of the statutes is amended  
12 to read:

13           632.68 (2) (b) (intro.) A person may apply to the commissioner for a viatical  
14 settlement provider license on a form prescribed by the commissioner for that  
15 purpose. The application form shall require the applicant to provide the applicant's  
16 social security number, if the applicant is a natural person unless the applicant does  
17 not have a social security number, or the applicant's federal employer identification  
18 number, if the applicant is not a natural person. The fee specified in s. 601.31 (1)  
19 (mm) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (mm) shall  
20 accompany the application. After any investigation of the applicant that the  
21 commissioner determines is sufficient, the commissioner shall issue a viatical  
22 settlement provider license to an applicant that satisfies all of the following:

23           \*~~0472/1.27~~\* SECTION 3758. 632.68 (2) (e) of the statutes is amended to read:  
24           632.68 (2) (e) Except as provided in sub. (3), a license issued under this  
25 subsection shall be renewed annually on the anniversary date upon payment of the



1 fee specified in s. 601.31 (1) (mp) or a rule promulgated under s. 601.31 (4) with  
2 respect to s. 601.31 (1) (mp) and upon providing the licensee's social security number,  
3 unless the licensee does not have a social security number, or federal employer  
4 identification number, as applicable, if not previously provided on the application for  
5 the license or at a previous renewal of the license. If the licensee is a natural person  
6 who does not have a social security number, the license shall be renewed annually  
7 on the anniversary date upon payment of the fee specified in s. 601.31 (1) (mp) or a  
8 rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (mp) and upon  
9 providing to the commissioner a statement made or subscribed under oath or  
10 affirmation, on a form prescribed by the department of workforce development, that  
11 the licensee does not have a social security number.

12 \*~~0472/1.28~~\* SECTION 3759. 632.68 (4) (b) of the statutes is amended to read:

13 632.68 (4) (b) A person may apply to the commissioner for a viatical settlement  
14 broker license on a form prescribed by the commissioner for that purpose. The  
15 application form shall require the applicant to provide the applicant's social security  
16 number, if the applicant is a natural person unless the applicant does not have a  
17 social security number, or the applicant's federal employer identification number, if  
18 the applicant is not a natural person. The fee specified in s. 601.31 (1) (mr) or a rule  
19 promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (mr) shall accompany  
20 the application. The commissioner may not issue a license under this subsection  
21 unless the applicant provides his or her social security number, unless the applicant  
22 does not have a social security number, or its federal employer identification number,  
23 whichever is applicable. If the applicant is a natural person who does not have a  
24 social security number, the commissioner may not issue a license under this  
25 subsection unless the applicant provides, on a form prescribed by the department of

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1 workforce development, a statement made or subscribed under oath or affirmation  
2 that the applicant does not have a social security number.

3 **\*-0472/1.29\* SECTION 3760.** 632.68 (4) (c) of the statutes is amended to read:

4 632.68 (4) (c) Except as provided in sub. (5), a license issued under this  
5 subsection shall be renewed annually on the anniversary date upon payment of the  
6 fee specified in s. 601.31 (1) (ms) or a rule promulgated under s. 601.31 (4) with  
7 respect to s. 601.31 (1) (ms) and upon providing the licensee's social security number,  
8 unless the licensee does not have a social security number, or federal employer  
9 identification number, as applicable, if not previously provided on the application for  
10 the license or at a previous renewal of the license. If the licensee is a natural person  
11 who does not have a social security number, the license shall be renewed annually,  
12 except as provided in sub. (5), on the anniversary date upon payment of the fee  
13 specified in s. 601.31 (1) (ms) or a rule promulgated under s. 601.31 (4) with respect  
14 to s. 601.31 (1) (ms) and upon providing to the commissioner a statement made or  
15 subscribed under oath or affirmation, on a form prescribed by the department of  
16 workforce development, that the licensee does not have a social security number.

17 **\*-0472/1.30\* SECTION 3761.** 632.835 (4) (b) of the statutes is amended to read:

18 632.835 (4) (b) An organization applying for certification or recertification as  
19 an independent review organization shall pay the applicable fee under s. 601.31 (1)  
20 (Lp) or (Lr) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (Lp)  
21 or (Lr). Every organization certified or recertified as an independent review  
22 organization shall file a report with the commissioner in accordance with rules  
23 promulgated under sub. (5) (a) 4.

24 **\*-1686/4.99\* SECTION 3762.** 632.89 (1) (e) 1. of the statutes is amended to read:

1           632.89 (1) (e) 1. A program in an outpatient treatment facility, if both are  
2 approved by the department of health and family services, the program is  
3 established and maintained according to rules promulgated under s. 51.42 (7) (b) and  
4 the facility is approved and certified under s. 51.04.

5           \***-0827/1.15\*** **SECTION 3763.** 632.895 (12) (b) 2. of the statutes is renumbered  
6 632.895 (12) (b) 2. (intro.) and amended to read:

7           632.895 (12) (b) 2. (intro.) The individual has a chronic disability that meets  
8 all of the following conditions ~~under s. 230.04 (9r) (a) 2. a., b. and c.:~~

9           \***-0827/1.16\*** **SECTION 3764.** 632.895 (12) (b) 2. a. to c. of the statutes are  
10 created to read:

11           632.895 (12) (b) 2. a. The chronic disability is attributable to a mental or  
12 physical impairment or combination of mental and physical impairments.

13           b. The chronic disability is likely to continue indefinitely.

14           c. The chronic disability results in substantial functional limitations in one or  
15 more of the following areas of major life activity: self-care; receptive and expressive  
16 language; learning; mobility; capacity for independent living; and economic  
17 self-sufficiency.

18           \***-0472/1.31\*** **SECTION 3765.** 633.14 (1) (a) of the statutes is amended to read:

19           633.14 (1) (a) Pays the fee under s. 601.31 (1) (w) or a rule promulgated under  
20 s. 601.31 (4) with respect to s. 601.31 (1) (w).

21           \***-0472/1.32\*** **SECTION 3766.** 633.14 (2) (a) of the statutes is amended to read:

22           633.14 (2) (a) Pays the fee under s. 601.31 (1) (w) or a rule promulgated under  
23 s. 601.31 (4) with respect to s. 601.31 (1) (w).

24           \***-0472/1.33\*** **SECTION 3767.** 633.15 (1) (a) of the statutes is amended to read:

1           633.15 (1) (a) *Payment*. An administrator shall pay the annual renewal fee  
2 under s. 601.31 (1) (w) or a rule promulgated under s. 601.31 (4) with respect to s.  
3 601.31 (1) (w) for each annual renewal of a license by the date specified by a schedule  
4 established under par. (b).

5           \*~~0472/1.34~~\* SECTION 3768. 647.04 (1) of the statutes is amended to read:

6           647.04 (1) Submit to the commissioner the fees required under s. 601.31 (1).

7           \*~~1552/5.62~~\* SECTION 3769. 704.05 (5) (a) 2. of the statutes is amended to read:

8           704.05 (5) (a) 2. Give the tenant notice, personally or by ordinary mail  
9 addressed to the tenant's last-known address, of the landlord's intent to dispose of  
10 the ~~personalty~~ personal property by sale or other appropriate means if the property  
11 is not repossessed by the tenant. If the tenant fails to repossess the property within  
12 30 days after the date of personal service or the date of the mailing of the notice, the  
13 landlord may dispose of the property by private or public sale or any other  
14 appropriate means. The landlord may deduct from the proceeds of sale any costs of  
15 sale and any storage charges if the landlord has first stored the ~~personalty~~ under  
16 subd. 1. If the proceeds minus the costs of sale and minus any storage charges are  
17 not claimed within 60 days after the date of the sale of the ~~personalty~~, the landlord  
18 is not accountable to the tenant for any of the proceeds of the sale or the value of the  
19 property. The landlord shall send the proceeds of the sale minus the costs of the sale  
20 and minus any storage charges to the department of administration for deposit in the  
21 appropriation under s. 20.505 (7) (~~gm~~) (h).

22           \*~~1335/7.65~~\* SECTION 3770. 704.31 (3) of the statutes is amended to read:

23           704.31 (3) This section does not apply to a lease to which a local professional  
24 baseball park district created under subch. III of ch. 229 or the Fox River  
25 Navigational System Authority is a party.

1           \***-2156/4.13\*** SECTION 3771. 704.90 (10) (c) of the statutes is amended to read:

2           704.90 (10) (c) Forfeitures under par. (a) shall be enforced by action on behalf  
3 of the state by the department of ~~justice~~ agriculture, trade and consumer protection  
4 or by the district attorney of the county where the violation occurs.

5           \***-0404/3.3\*** SECTION 3772. 710.02 (4) (a) of the statutes is renumbered 710.02  
6 (4).

7           \***-0404/3.4\*** SECTION 3773. 710.02 (4) (b) of the statutes is repealed.

8           \***-0404/3.5\*** SECTION 3774. 710.02 (7) of the statutes is amended to read:

9           710.02 (7) PENALTY FOR FAILURE TO REPORT. Any person violating sub. (4) (a)  
10 shall forfeit not less than \$500 nor more than \$5,000.

11           \***-1394/2.69\*** SECTION 3775. 757.05 (1) (a) of the statutes is amended to read:

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

21           \***-1394/2.70\*** SECTION 3776. 757.05 (1) (b) of the statutes is amended to read:

22           757.05 (1) (b) If a fine or forfeiture is imposed by a court of record, after a  
23 determination by the court of the amount due, the clerk of the court shall collect and  
24 transmit ~~such~~ the amount to the county treasurer as provided in s. 59.40 (2) (m). The

1 county treasurer shall then make payment to the state treasurer as provided in s.  
2 59.25 (3) (f) 2.

3 **\*-1394/2.71\* SECTION 3777.** 757.05 (1) (c) of the statutes is amended to read:

4 757.05 (1) (c) If a fine or forfeiture is imposed by a municipal court, after a  
5 determination by the court of the amount due, the court shall collect and transmit  
6 such the amount to the treasurer of the county, city, town, or village, and that  
7 treasurer shall make payment to the state treasurer as provided in s. 66.0114 (1) (b)  
8 (bm).

9 **\*-1394/2.72\* SECTION 3778.** 757.05 (1) (d) of the statutes is amended to read:

10 757.05 (1) (d) If any deposit of bail is made for a noncriminal offense to which  
11 this section subsection applies, the person making the deposit shall also deposit a  
12 sufficient amount to include the assessment prescribed in this section subsection for  
13 forfeited bail. If bail is forfeited, the amount of the assessment shall be transmitted  
14 monthly to the state treasurer under this section subsection. If bail is returned, the  
15 assessment shall also be returned.

16 **\*-1394/2.73\* SECTION 3779.** 757.05 (2) (title) of the statutes is repealed.

17 **\*-1394/2.74\* SECTION 3780.** 757.05 (2) (a) of the statutes is renumbered 165.87  
18 (2) and amended to read:

19 165.87 (2) ~~LAW ENFORCEMENT TRAINING FUND~~ USE OF ASSESSMENT MONEYS.  
20 ~~Twenty-seven fifty-fifths of all~~ All moneys collected from penalty law enforcement  
21 training fund assessments under sub. (1) shall be credited to the appropriation  
22 account under s. 20.455 (2) (i) and utilized in accordance with ss. 20.455 (2) and  
23 165.85 (5). The moneys credited to the appropriation account under s. 20.455 (2) (i),  
24 except for the moneys transferred to s. 20.455 (2) (jb), constitute the law enforcement  
25 training fund.

1           \*~~1394/2.75~~\* SECTION 3781. 757.05 (2) (b) of the statutes is renumbered 757.05  
2 (2) and amended to read:

3           757.05 (2) ~~OTHER PURPOSES~~ USE OF PENALTY ASSESSMENT MONEYS. The moneys  
4 collected from penalty assessments under sub. (1) ~~that remain after crediting the~~  
5 ~~appropriation account specified in par. (a)~~ shall be credited to the appropriation  
6 account under s. 20.505 (6) (j) and transferred as provided under s. 20.505 (6) (j).

7           \*~~1857/5.120~~\* SECTION 3782. 758.19 (7) of the statutes is amended to read:

8           758.19 (7) The director of state courts shall adopt, revise biennially and submit  
9 to the cochairpersons of the joint committee on information policy and technology, the  
10 governor and the ~~secretary of administration~~ department of electronic government,  
11 no later than September 15 of each even-numbered year, a strategic plan for the  
12 utilization of information technology to carry out the functions of the courts and  
13 judicial branch agencies, as defined in s. 16.70 (5). The plan shall address the  
14 business needs of the courts and judicial branch agencies and shall identify all  
15 resources relating to information technology which the courts and judicial branch  
16 agencies desire to acquire, contingent upon funding availability, the priority for such  
17 acquisitions and the justification for such acquisitions. The plan shall also identify  
18 any changes in the functioning of the courts and judicial branch agencies under the  
19 plan.

20           \*~~0426/4.47~~\* SECTION 3783. 765.12 (1) of the statutes is renumbered 765.12  
21 (1) (a) and amended to read:

22           765.12 (1) (a) If ss. 765.02, 765.05, 765.08, and 765.09 are complied with, and  
23 if there is no prohibition against or legal objection to the marriage, the county clerk  
24 shall issue a marriage license. With each marriage license the county clerk shall  
25 provide a pamphlet describing the causes and effects of fetal alcohol syndrome. ~~After~~

**SECTION 3783**

1 ~~the application for the marriage license the clerk shall, upon the sworn statement~~  
2 ~~of either of the applicants, correct any erroneous, false or insufficient statement in~~  
3 ~~the marriage license or in the application therefor which shall come to the clerk's~~  
4 ~~attention prior to the marriage and shall show the corrected statement as soon as~~  
5 ~~reasonably possible to the other applicant.~~

6 **\*-0426/4.48\* SECTION 3784.** 765.12 (1) (b) of the statutes is created to read:

7 765.12 (1) (b) If, after completion of the marriage license application, one of the  
8 applicants notifies the clerk in writing that any of the information provided by that  
9 applicant for the license is erroneous, the clerk shall notify the other applicant of the  
10 correction as soon as reasonably possible. If the marriage license has not been  
11 issued, the clerk shall prepare a new license with the correct information entered.  
12 If the marriage license has been issued, the clerk shall immediately send a letter of  
13 correction to the state registrar to amend the erroneous information.

14 **\*-0426/4.49\* SECTION 3785.** 765.12 (1) (c) of the statutes is created to read:

15 765.12 (1) (c) If, after completion of the marriage license application, the clerk  
16 discovers that correct information has been entered erroneously, the clerk shall, if  
17 the marriage license has not been issued, prepare a new license with the correct  
18 information correctly entered. If the marriage license has been issued, the clerk shall  
19 immediately send a letter of correction to the state registrar to amend the erroneous  
20 information.

21 **\*-0426/4.50\* SECTION 3786.** 765.13 of the statutes is amended to read:

22 **765.13 Form of marriage document.** ~~The marriage document shall contain~~  
23 ~~the social security number of each party, as well as any other informational items~~  
24 ~~that the department of health and family services determines are necessary and~~  
25 ~~shall agree in the main with the standard form recommended by the federal agency~~



1 responsible for national vital statistics. It consist of the marriage license and the  
2 marriage license worksheet. The marriage license shall contain a notification of the  
3 time limits of the authorization to marry, a notation that the issue of the marriage  
4 license shall not be deemed to remove or dispense with any legal disability,  
5 impediment or prohibition rendering marriage between the parties illegal, and the  
6 signature of the county clerk, who shall acquire the information for the marriage  
7 document and enter it in its proper place when the marriage license is issued. The  
8 marriage license worksheet shall contain the social security number of each party,  
9 as well as any other information items that the department of health and family  
10 services determines are necessary and shall agree in the main with the standard  
11 form recommended by the federal agency responsible for national vital statistics.  
12 The county clerk shall transmit the marriage license worksheet to the state registrar  
13 within 5 days after the date of issuance of the marriage license.

14 \***-0441/6.44\*** SECTION 3787. 767.078 (1) (a) 2. of the statutes is amended to  
15 read:

16 767.078 (1) (a) 2. The child's right to support is assigned to the state under s.  
17 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., or 49.19 (4) (h) 1. b.

18 \***-0529/6.9\*** SECTION 3788. 767.265 (1) of the statutes is amended to read:

19 767.265 (1) Each order for child support under this chapter, for maintenance  
20 payments under s. 767.23 or 767.26, for family support under this chapter, for costs  
21 ordered under s. 767.51 (3) or 767.62 (4), for support by a spouse under s. 767.02 (1)  
22 (f), or for maintenance payments under s. 767.02 (1) (g) or for, each order for or  
23 obligation to pay the annual receiving and disbursing fee under s. 767.29 (1) (d), each  
24 order for a revision in a judgment or order with respect to child support,  
25 maintenance, or family support payments under s. 767.32, each stipulation

1 approved by the court or the family court commissioner for child support under this  
2 chapter, and each order for child or spousal support entered under s. 948.22 (7)  
3 constitutes an assignment of all commissions, earnings, salaries, wages, pension  
4 benefits, benefits under ch. 102 or 108, lottery prizes that are payable in instalments,  
5 and other money due or to be due in the future to the department or its designee. The  
6 assignment shall be for an amount sufficient to ensure payment under the order,  
7 obligation, or stipulation and to pay any arrearages due at a periodic rate not to  
8 exceed 50% of the amount of support due under the order, obligation, or stipulation  
9 so long as the addition of the amount toward arrearages does not leave the party at  
10 an income below the poverty line established under 42 USC 9902 (2).

11 \***-0529/6.10\*** SECTION 3789. 767.265 (1m) of the statutes is amended to read:

12 767.265 (1m) If a party's current obligation to pay maintenance, child support,  
13 spousal support, or family support ~~or the annual receiving and disbursing fee~~  
14 terminates but the party has an arrearage in the payment of one or more of those  
15 payments, ~~the~~ or in the payment of the annual receiving and disbursing fee, any  
16 assignment under sub. (1) shall continue in effect, in an amount up to the amount  
17 of the assignment before the party's current obligation terminated, until the  
18 arrearage is paid in full.

19 \***-0529/6.11\*** SECTION 3790. 767.29 (1) (d) of the statutes is amended to read:

20 767.29 (1) (d) For receiving and disbursing maintenance, child support, or  
21 family support payments, including arrears in any of those payments, and for  
22 maintaining the records required under par. (c), the department or its designee shall  
23 collect an annual fee of ~~\$25~~ \$35. The court or family court commissioner shall order  
24 each party ordered to make payments to pay the annual fee under this paragraph in  
25 each year for which payments are ordered or in which an arrearage in any of those

1 payments is owed. In directing the manner of payment of the annual fee, the court  
2 or family court commissioner shall order that the annual fee be withheld from income  
3 and sent to the department or its designee, as provided under s. 767.265. All fees  
4 collected under this paragraph shall be deposited in the appropriation account under  
5 s. 20.445 (3) (ja). At the time of ordering the payment of an annual fee under this  
6 paragraph, the court or family court commissioner shall notify each party ordered  
7 to make payments of the requirement to pay the annual fee and of the amount of the  
8 annual fee. If the annual fee under this paragraph is not paid when due, the  
9 department or its designee may not deduct the annual fee from ~~the~~ any maintenance  
10 ~~or~~ child or family support, or arrearage payment, but may move the court for a  
11 remedial sanction under ch. 785.

12 \***-0529/6.12\*** SECTION 3791. 767.29 (1) (dm) 1m. of the statutes is amended to  
13 read:

14 767.29 (1) (dm) 1m. The department or its designee may collect any unpaid fees  
15 under s. 814.61 (12) (b), 1997 stats., that are shown on the department's automated  
16 payment and collection system on December 31, 1998, and shall deposit all fees  
17 collected under this subdivision in the appropriation account under s. 20.445 (3) (ja).  
18 The department or its designee may collect unpaid fees under this subdivision  
19 through income withholding under s. 767.265 (2m). If the department or its designee  
20 determines that income withholding is inapplicable, ineffective, or insufficient for  
21 the collection of any unpaid fees under this subdivision, the department or its  
22 designee may move the court for a remedial sanction under ch. 785. The department  
23 or its designee may contract with or employ a collection agency or other person for  
24 the collection of any unpaid fees under this subdivision and, notwithstanding s.  
25 20.930, may contract with or employ an attorney to appear in any action in state or

1 federal court to enforce the payment obligation. The department or its designee may  
2 not deduct the amount of unpaid fees from any maintenance or child or family  
3 support, or arrearage payment.

4 **\*-0441/6.45\* SECTION 3792.** 767.29 (1m) (c) of the statutes is amended to read:

5 767.29 (1m) (c) The party entitled to the support or maintenance money or a  
6 minor child of the party has applied for or is receiving aid to families with dependent  
7 children aid under s. 46.261 or public assistance under ch. 49 and there is an  
8 assignment to the state under s. 46.261 or 49.19 (4) (h) 1. b. of the party's right to the  
9 support or maintenance money.

10 **\*-0441/6.46\* SECTION 3793.** 767.29 (2) of the statutes is amended to read:

11 767.29 (2) If any party entitled to maintenance payments or support money,  
12 or both, is receiving public assistance under ch. 49, the party may assign the party's  
13 right thereto to the county department under s. 46.215, 46.22, or 46.23 granting such  
14 assistance. Such assignment shall be approved by order of the court granting the  
15 maintenance payments or support money, and may be terminated in like manner;  
16 except that it shall not be terminated in cases where there is any delinquency in the  
17 amount of maintenance payments and support money previously ordered or  
18 adjudged to be paid to the assignee without the written consent of the assignee or  
19 upon notice to the assignee and hearing. When an assignment of maintenance  
20 payments or support money, or both, has been approved by the order, the assignee  
21 shall be deemed a real party in interest within s. 803.01 but solely for the purpose  
22 of securing payment of unpaid maintenance payments or support money adjudged  
23 or ordered to be paid, by participating in proceedings to secure the payment thereof.  
24 Notwithstanding assignment under this subsection, and without further order of the  
25 court, the department or its designee, upon receiving notice that a party or a minor

1 child of the parties is receiving aid under s. 46.261 or public assistance under ch. 49  
2 or that a kinship care relative or long-term kinship care relative of the minor child  
3 is receiving kinship care payments or long-term kinship care payments for the minor  
4 child, shall forward all support assigned under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b)  
5 2., 49.19 (4) (h) 1., or 49.45 (19) to the assignee under s. 46.261, 48.57 (3m) (b) 2. or  
6 (3n) (b) 2., 49.19 (4) (h) 1., or 49.45 (19).

7 \***-0441/6.47\*** SECTION 3794. 767.29 (4) of the statutes is amended to read:

8 767.29 (4) If an order or judgment providing for the support of one or more  
9 children not receiving aid under s. 46.261, 48.57 (3m) or (3n), or 49.19 includes  
10 support for a minor who is the beneficiary of aid under s. 46.261, 48.57 (3m) or (3n),  
11 or 49.19, any support payment made under the order or judgment is assigned to the  
12 state under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., or 49.19 (4) (h) 1. b. in the amount  
13 that is the proportionate share of the minor receiving aid under s. 46.261, 48.57 (3m)  
14 or (3n), or 49.19, except as otherwise ordered by the court on the motion of a party.

15 \***-0426/4.51\*** SECTION 3795. 767.62 (5) (b) of the statutes is amended to read:

16 767.62 (5) (b) If a court in a proceeding under par. (a) determines that the man  
17 is not the father of the child, the court shall vacate any order entered under sub. (4)  
18 with respect to the man. The court or the county child support agency under s. 59.53  
19 (5) shall notify the state registrar, in the manner provided in s. 69.15 (1) (b), to remove  
20 the man's name as the father of the child from the child's birth certificate. No  
21 paternity action may thereafter be brought against the man with respect to the child.

22 \***-1394/2.76\*** SECTION 3796. 778.02 of the statutes is amended to read:

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

1 of the forfeiture claimed, according to the provisions of the statute that imposes it,  
2 specifying the statute and for the penalty assessment imposed by s. 757.05, the law  
3 enforcement training fund assessment imposed by s. 165.87 (1), the jail assessment  
4 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement  
5 assessment imposed by s. 165.755, the enforcement assessment imposed under s.  
6 253.06 (4) (c) or (5) (c), any applicable consumer information protection assessment  
7 imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s.  
8 973.055 (1). If the statute imposes a forfeiture for several offenses or delinquencies  
9 the complaint shall specify the particular offense or delinquency for which the action  
10 is brought, with a demand for judgment for the amount of the forfeiture, penalty  
11 assessment, law enforcement training fund assessment, jail assessment, crime  
12 laboratories and drug law enforcement assessment, any applicable enforcement  
13 assessment, any applicable consumer information protection assessment, and any  
14 applicable domestic abuse assessment. If the defendant is a nonresident of the state,  
15 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.

16 **\*-1394/2.77\* SECTION 3797.** 778.03 of the statutes is amended to read:

17 **778.03 Complaint to recover forfeited goods.** In an action to recover  
18 property forfeited by any statute it shall be sufficient to allege in the complaint that  
19 the property has been forfeited, specifying the statute, with a demand of judgment  
20 for the delivery of the property, or the value thereof and for payment of the penalty  
21 assessment imposed by s. 757.05, the law enforcement training fund assessment  
22 imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime  
23 laboratories and drug law enforcement assessment imposed by s. 165.755, the

1 enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable  
2 consumer ~~information~~ protection assessment imposed by s. 100.261, and any  
3 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.

4 **\*-1394/2.78\* SECTION 3798.** 778.06 of the statutes is amended to read:

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

15 **\*-1394/2.79\* SECTION 3799.** 778.10 of the statutes is amended to read:

16 **778.10 Municipal forfeitures, how recovered.** All forfeitures imposed by  
17 any ordinance or regulation of any county, town, city, or village, or of any other  
18 domestic corporation may be sued for and recovered, under this chapter, in the name  
19 of the county, town, city, village, or corporation. It is sufficient to allege in the  
20 complaint that the defendant is indebted to the plaintiff in the amount of the  
21 forfeiture claimed, specifying the ordinance or regulation that imposes it and of the  
22 penalty assessment imposed by s. 757.05, the law enforcement training fund

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

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

16 **\*-1394/2.80\* SECTION 3800.** 778.105 of the statutes is amended to read:

17 **778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by  
18 any court or any branch thereof for the violation of any municipal or county  
19 ordinance shall be paid to the municipality or county. Penalty assessment payments  
20 shall be made as provided in s. 757.05. Law enforcement training fund assessment  
21 payments shall be made as provided in s. 165.87 (1). Jail assessment payments shall  
22 be made as provided in s. 302.46 (1). Crime laboratories and drug law enforcement  
23 assessment payments shall be paid as provided in s. 165.755. Domestic abuse



1 assessments shall be made as provided in s. 973.055. Consumer information  
2 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.

3 **\*-1394/2.81\* SECTION 3801.** 778.13 of the statutes is amended to read:

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

19 **\*-1394/2.82\* SECTION 3802.** 778.18 of the statutes is amended to read:

20 **778.18 Penalty upon municipal judge.** If any municipal judge, of his or her  
21 own will, dismisses any action brought before the judge under this chapter, unless  
22 by order of the district attorney or attorney general or the person joined as plaintiff

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1 with the state, or renders a less judgment therein than is prescribed by law, or  
2 releases or discharges any such judgment or part thereof without payment or  
3 collection, the judge and the judge's sureties shall be liable, in an action upon the  
4 judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture  
5 imposed by the judge 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, any applicable consumer ~~information~~ protection  
9 assessment imposed by s. 100.261, and any applicable domestic abuse assessment  
10 imposed by s. 973.055 (1), or for an amount equal to the amount in which any such  
11 judgment or any part thereof is released or discharged. If any municipal judge gives  
12 time or delay to any person against whom any such judgment is rendered by the  
13 judge, or takes any bond or security for its future payment, the judge and the judge's  
14 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.

15 **\*-1394/2.83\* SECTION 3803.** 778.25 (2) (g) of the statutes is amended to read:  
16 778.25 (2) (g) Notice that, if the defendant makes a deposit and fails to appear  
17 in court at the time fixed in the citation, the failure to appear will be considered  
18 tender of a plea of no contest and submission to a forfeiture, penalty assessment, law  
19 enforcement training fund assessment, jail assessment, and crime laboratories and  
20 drug law enforcement assessment plus costs, including any applicable fees  
21 prescribed in ch. 814, not to exceed the amount of the deposit. The notice shall also  
22 state that the court may decide to summon the defendant or, if the defendant is an

1 adult, issue an arrest warrant for the defendant rather than accept the deposit and  
2 plea.

3 **\*-1394/2.84\* SECTION 3804.** 778.25 (3) of the statutes is amended to read:

4 778.25 (3) If a person is issued a citation under this section the person may  
5 deposit the amount of money the issuing agent or officer directs by mailing or  
6 delivering the deposit and a copy of the citation to the clerk of court of the county  
7 where the violation occurred or the office or headquarters of the agent or officer who  
8 issued the citation prior to the court appearance date. The basic amount of the  
9 deposit shall be determined under a deposit schedule established by the judicial  
10 conference. The judicial conference shall annually review and revise the schedule.  
11 In addition to the basic amount determined by the schedule the deposit shall include  
12 costs, including any applicable fees prescribed in ch. 814, penalty assessment, law  
13 enforcement training fund assessment, jail assessment, and crime laboratories and  
14 drug law enforcement assessment.

15 **\*-1394/2.85\* SECTION 3805.** 778.25 (5) of the statutes is amended to read:

16 778.25 (5) A person receiving a deposit shall prepare a receipt in triplicate  
17 showing the purpose for which the deposit is made, stating that the defendant may  
18 inquire at the office of the clerk of court regarding the disposition of the deposit, and  
19 notifying the defendant that if he or she fails to appear in court at the time fixed in  
20 the citation he or she will be deemed to have tendered a plea of no contest and  
21 submitted to a forfeiture, penalty assessment, law enforcement training fund  
22 assessment, jail assessment, and crime laboratories and drug law enforcement  
23 assessment plus costs, including any applicable fees prescribed in ch. 814, not to  
24 exceed the amount of the deposit which the court may accept. The original of the

1 receipt shall be delivered to the defendant in person or by mail. If the defendant pays  
2 by check, the check is the receipt.

3 **\*-1394/2.86\* SECTION 3806.** 778.25 (8) (b) of the statutes is amended to read:

4 778.25 (8) (b) If the defendant has made a deposit, the citation may serve as  
5 the initial pleading and the defendant shall be considered to have tendered a plea  
6 of no contest and submitted to a forfeiture, penalty assessment, law enforcement  
7 training fund assessment, jail assessment, and crime laboratories and drug law  
8 enforcement assessment plus costs, including any applicable fees prescribed in ch.  
9 814, not exceeding the amount of the deposit. The court may either accept the plea  
10 of no contest and enter judgment accordingly, or reject the plea and issue a summons  
11 or arrest warrant, except if the defendant is a minor the court shall proceed under  
12 s. 938.28. Chapter 938 governs taking and holding a minor in custody. If the court  
13 accepts the plea of no contest, the defendant may move within 90 days after the date  
14 set for appearance to withdraw the plea of no contest, open the judgment, and enter  
15 a plea of not guilty if the defendant shows to the satisfaction of the court that failure  
16 to appear was due to mistake, inadvertence, surprise, or excusable neglect. If a party  
17 is relieved from the plea of no contest, the court or judge may order a written  
18 complaint or petition to be filed. If on reopening the defendant is found not guilty,  
19 the court shall delete the record of conviction and shall order the defendant's deposit  
20 returned.

21 **\*-1394/2.87\* SECTION 3807.** 778.25 (10) of the statutes is amended to read:

22 778.25 (10) An officer collecting moneys for a forfeiture, penalty assessment,  
23 law enforcement training fund assessment, jail assessment, crime laboratories and  
24 drug law enforcement assessment, and costs under this section shall pay the same  
25 to the appropriate municipal or county treasurer within 20 days after its receipt by

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

6 **\*-1394/2.88\* SECTION 3808.** 778.26 (2) (e) of the statutes is amended to read:

7 778.26 (2) (e) The maximum forfeiture, penalty assessment, law enforcement  
8 training fund assessment, jail assessment, and crime laboratories and drug law  
9 enforcement assessment for which the defendant is liable.

10 **\*-1394/2.89\* SECTION 3809.** 778.26 (2) (g) of the statutes is amended to read:

11 778.26 (2) (g) Notice that, if the defendant makes a deposit and fails to appear  
12 in court at the time specified in the citation, the failure to appear will be considered  
13 tender of a plea of no contest and submission to a forfeiture, penalty assessment, law  
14 enforcement training fund assessment, jail assessment, and crime laboratories and  
15 drug law enforcement assessment plus costs not to exceed the amount of the deposit.  
16 The notice shall also state that the court, instead of accepting the deposit and plea,  
17 may decide to summon the defendant or may issue an arrest warrant for the  
18 defendant upon failure to respond to a summons.

19 **\*-1394/2.90\* SECTION 3810.** 778.26 (2) (h) of the statutes is amended to read:

20 778.26 (2) (h) Notice that, if the defendant makes a deposit and signs the  
21 stipulation, the stipulation will be treated as a plea of no contest and submission to  
22 a forfeiture, penalty assessment, law enforcement training fund assessment, jail  
23 assessment, and crime laboratories and drug law enforcement assessment plus costs  
24 not to exceed the amount of the deposit. The notice shall also state that the court,  
25 instead of accepting the deposit and stipulation, may decide to summon the

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

4 **\*-1394/2.91\* SECTION 3811.** 778.26 (3) of the statutes is amended to read:

5 778.26 (3) A defendant issued a citation under this section may deposit the  
6 amount of money the issuing officer directs by mailing or delivering the deposit and  
7 a copy of the citation prior to the court appearance date to the clerk of the circuit court  
8 in the county where the violation occurred or to the sheriff's office or police  
9 headquarters of the officer who issued the citation. The basic amount of the deposit  
10 shall be determined under a deposit schedule established by the judicial conference.  
11 The judicial conference shall annually review and revise the schedule. In addition  
12 to the basic amount determined by the schedule the deposit shall include the penalty  
13 assessment, law enforcement training fund assessment, jail assessment, crime  
14 laboratories and drug law enforcement assessment, and costs.

15 **\*-1394/2.92\* SECTION 3812.** 778.26 (4) of the statutes is amended to read:

16 778.26 (4) A defendant may make a stipulation of no contest by submitting a  
17 deposit and a stipulation in the manner provided by sub. (3) prior to the court  
18 appearance date. The signed stipulation is a plea of no contest and submission to a  
19 forfeiture plus the penalty assessment, law enforcement training fund assessment,  
20 jail assessment, crime laboratories and drug law enforcement assessment, and costs  
21 not to exceed the amount of the deposit.

22 **\*-1394/2.93\* SECTION 3813.** 778.26 (5) of the statutes is amended to read:

23 778.26 (5) Except as provided by sub. (6), a person receiving a deposit shall  
24 prepare a receipt in triplicate showing the purpose for which the deposit is made,  
25 stating that the defendant may inquire at the office of the clerk of the circuit court

1 regarding the disposition of the deposit, and notifying the defendant that if he or she  
2 fails to appear in court at the time specified in the citation he or she shall be  
3 considered to have tendered a plea of no contest and submitted to a forfeiture,  
4 penalty assessment, law enforcement training fund assessment, jail assessment,  
5 and crime laboratories and drug law enforcement assessment plus costs not to exceed  
6 the amount of the deposit and that the court may accept the plea. The original of the  
7 receipt shall be delivered to the defendant in person or by mail. If the defendant pays  
8 by check, the canceled check is the receipt.

9 \*~~1394/2.94~~\* SECTION 3814. 778.26 (6) of the statutes is amended to read:

10 778.26 (6) The person receiving a deposit and stipulation of no contest shall  
11 prepare a receipt in triplicate showing the purpose for which the deposit is made,  
12 stating that the defendant may inquire at the office of the clerk of the circuit court  
13 regarding the disposition of the deposit, and notifying the defendant that if the  
14 stipulation of no contest is accepted by the court the defendant will be considered to  
15 have submitted to a forfeiture, penalty assessment, law enforcement training fund  
16 assessment, jail assessment, and crime laboratories and drug law enforcement  
17 assessment plus costs not to exceed the amount of the deposit. Delivery of the receipt  
18 shall be made in the same manner as provided in sub. (5).

19 \*~~1394/2.95~~\* SECTION 3815. 778.26 (7) (b) of the statutes is amended to read:

20 778.26 (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, and crime laboratories and drug law  
24 enforcement assessment plus costs not to exceed the amount of the deposit. The court  
25 may either accept the plea of no contest and enter judgment accordingly, or reject the

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

10 \*~~1394/2.96~~\* SECTION 3816. 778.26 (7) (c) of the statutes is amended to read:

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

23 \*~~1394/2.97~~\* SECTION 3817. 778.26 (9) of the statutes is amended to read:

24 778.26 (9) An officer who collects a forfeiture, penalty assessment, law  
25 enforcement training fund assessment, jail assessment, and crime laboratories and



1 drug law enforcement assessment and costs under this section shall pay the money  
2 to the county treasurer within 20 days after its receipt. If the officer fails to make  
3 timely payment, the county treasurer may collect the payment from the officer by an  
4 action in the treasurer's name of office and upon the official bond of the officer, with  
5 interest at the rate of 12% per year from the time when it should have been paid.

6 **\*-1394/2.98\* SECTION 3818.** 800.02 (2) (a) 8. of the statutes is amended to read:

7 800.02 (2) (a) 8. Notice that, if the defendant makes a deposit and fails to  
8 appear in court at the time fixed in the citation, the defendant is deemed to have  
9 tendered a plea of no contest and submits to a forfeiture, penalty assessment, law  
10 enforcement training fund assessment, jail assessment, and crime laboratories and  
11 drug law enforcement assessment, any applicable consumer information protection  
12 assessment, and any applicable domestic abuse assessment plus costs, including the  
13 fee prescribed in s. 814.65 (1), not to exceed the amount of the deposit. The notice  
14 shall also state that the court may decide to summon the defendant rather than  
15 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.

16 **\*-1394/2.99\* SECTION 3819.** 800.02 (3) (a) 5. of the statutes is amended to read:

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

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1 assessment, any applicable domestic abuse assessment, and such other relief that  
2 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.

3 **\*-1394/2.100\* SECTION 3820.** 800.03 (3) of the statutes is amended to read:  
4 800.03 (3) The amount of the deposit shall be set by the municipal judge, but  
5 shall not be effective until approved by the governing body of the municipality. The  
6 amount shall not exceed the maximum penalty for the offense, including any penalty  
7 assessment that would be applicable under s. 757.05, any law enforcement training  
8 fund assessment that would be applicable under s. 165.87 (1), any jail assessment  
9 that would be applicable under s. 302.46 (1), any crime laboratories and drug law  
10 enforcement assessment that would be applicable under s. 165.755, any consumer  
11 ~~information~~ protection assessment that would be applicable under s. 100.261, and  
12 any domestic abuse assessment that would be applicable under s. 973.055 (1), plus  
13 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.

14 **\*-1394/2.101\* SECTION 3821.** 800.04 (2) (b) of the statutes is amended to read:  
15 800.04 (2) (b) If the municipal judge determines that the defendant should not  
16 be released under par. (a) and the defendant is charged with a traffic or boating  
17 violation, the municipal judge shall release the defendant on a deposit in the amount  
18 established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66.  
19 For other violations, the municipal judge shall establish a deposit in an amount not  
20 to exceed the maximum penalty for the offense, including any penalty assessment  
21 that would be applicable under s. 757.05, any law enforcement training fund  
22 assessment that would be applicable under s. 165.87 (1), any jail assessment that

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

13 **\*-1394/2.102\* SECTION 3822.** 800.04 (2) (c) of the statutes is amended to read:  
14 800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03  
15 and does not appear, he or she is deemed to have tendered a plea of no contest and  
16 submits to a forfeiture, a penalty assessment imposed by s. 757.05, a law  
17 enforcement training fund assessment imposed by s. 165.87 (1), a jail assessment  
18 imposed by s. 302.46 (1), a crime laboratories and drug law enforcement assessment  
19 imposed by s. 165.755, any applicable consumer information protection assessment  
20 imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s.  
21 973.055 (1) plus costs, including the fee prescribed in s. 814.65 (1), not exceeding the  
22 amount of the deposit. The court may either accept the plea of no contest and enter  
23 judgment accordingly, or reject the plea and issue a summons. If the court finds that

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1 the violation meets the conditions in s. 800.093 (1), the court may summon the  
2 alleged violator into court to determine if restitution shall be ordered under s.  
3 800.093. If the defendant fails to appear in response to the summons, the court shall  
4 issue a warrant under s. 968.09. If the defendant has made a deposit but does appear,  
5 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.

6 **\*-1394/2.103\* SECTION 3823.** 800.09 (1) (intro.) of the statutes is amended to  
7 read:

8 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it  
9 may render judgment by ordering restitution under s. 800.093 and payment of a  
10 forfeiture, the penalty assessment imposed by s. 757.05, the law enforcement  
11 training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by  
12 s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed  
13 by s. 165.755, any applicable consumer information protection assessment imposed  
14 by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055  
15 (1) plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The court  
16 shall apply any payment received on a judgment that includes restitution to first  
17 satisfy any payment of restitution ordered, then to pay the forfeiture, assessments,  
18 and costs. If the judgment is not paid, the court may proceed under par. (a), (b), or  
19 (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 LRD numbers: -0454 and -1394.

20 **\*-1394/2.104\* SECTION 3824.** 800.09 (1) (a) of the statutes is amended to read:  
21 800.09 (1) (a) The court may defer payment of any judgment or provide for  
22 instalment payments. At the time the judgment is rendered, the court shall inform

1 the defendant, orally and in writing, of the date by which restitution and the  
2 payment of the forfeiture, the penalty assessment, the law enforcement training  
3 fund assessment, the jail assessment, the crime laboratories and drug law  
4 enforcement assessment, any applicable consumer information protection  
5 assessment, and any applicable domestic abuse assessment plus costs must be made,  
6 and of the possible consequences of failure to do so in timely fashion, including  
7 imprisonment, as provided in s. 800.095, or suspension of the defendant's motor  
8 vehicle operating privilege, as provided in par. (c), if applicable. If the defendant is  
9 not present, the court shall ensure that the information is sent to the defendant by  
10 mail. In 1st class cities, all of the written information required by this paragraph  
11 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 LRB numbers: -0454 and -1394.

12 **\*-1394/2.105\* SECTION 3825.** 800.09 (2) (b) of the statutes is amended to read:  
13 800.09 (2) (b) If the person charged fails to appear personally or by an attorney  
14 at the time fixed for hearing of the case, the defendant may be deemed to have  
15 entered a plea of no contest and the money deposited, if any, or such portion thereof  
16 as the court determines to be an adequate penalty, plus the penalty assessment, the  
17 law enforcement training fund assessment, the jail assessment, the crime  
18 laboratories and drug law enforcement assessment, any applicable consumer  
19 information protection assessment, and any applicable domestic abuse assessment  
20 plus costs, including the fee prescribed in s. 814.65 (1), may be declared forfeited by  
21 the court or may be ordered applied upon the payment of any penalty which may be  
22 imposed, together with the penalty assessment, the law enforcement training fund  
23 assessment, the jail assessment, the crime laboratories and drug law enforcement

**SECTION 3825**

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

7 **\*-1394/2.106\* SECTION 3826.** 800.10 (2) of the statutes is amended to read:

8 800.10 (2) All forfeitures, fees, penalty assessments, law enforcement training  
9 fund assessments, crime laboratories and drug law enforcement assessments,  
10 consumer ~~information~~ protection assessments, domestic abuse assessments, and  
11 costs paid to a municipal court under a judgment before a municipal judge shall be  
12 paid to the municipal treasurer within 7 days after receipt of the money by a  
13 municipal judge or other court personnel. At the time of the payment, the municipal  
14 judge shall report to the municipal treasurer the title of the action, the offense for  
15 which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty  
16 assessments, law enforcement training fund assessments, crime laboratories and  
17 drug law enforcement assessments, consumer ~~information~~ protection assessments,  
18 domestic abuse assessments, and costs, if any. The treasurer shall disburse the fees  
19 as provided in s. 814.65 (1). All jail assessments paid to a municipal court under a  
20 judgment before a municipal judge shall be paid to the county treasurer within 7  
21 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.

22 **\*-1394/2.107\* SECTION 3827.** 800.12 (2) of the statutes is amended to read:

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

9           \***-0606/2.1\*** SECTION 3828. 801.02 (7) (a) 1. of the statutes is repealed.

10          \***-0606/2.2\*** SECTION 3829. 801.02 (7) (a) 2. (intro.) of the statutes is amended  
11 to read:

12           801.02 (7) (a) 2. (intro.) "Prisoner" means any person who is incarcerated,  
13 imprisoned, or otherwise detained ~~in a correctional institution or~~ and who is in the  
14 custody of the department of corrections or of the sheriff, superintendent, or other  
15 keeper of a jail or house of corrections or any person who is arrested or otherwise  
16 detained by a law enforcement officer. "Prisoner" does not include any of the  
17 following:

18           \***-0448/3.1\*** SECTION 3830. 808.075 (4) (fn) 10. of the statutes is created to read:

19           808.075 (4) (fn) 10. Extension, under s. 938.538 (4m) (a) 2., of a placement  
20 under s. 938.538 (3) (a) 1.

21           \***-0606/2.3\*** SECTION 3831. 813.02 (1) (c) 1. of the statutes is amended to read:

22           813.02 (1) (c) 1. The court may not issue the injunction until giving notice and  
23 an opportunity to be heard on the request for a preliminary injunction to the attorney

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1 general, if the case involves a prisoner in a state correctional institution, as defined  
2 in s. 801.02 (7) (a) 1. the custody of the department of corrections, or to the attorney  
3 representing the local correctional institution involved and to all other interested  
4 parties. Any injunction issued without giving notice and an opportunity to be heard  
5 is void.

6 **\*-1394/2.108\* SECTION 3832.** 814.60 (2) (ad) of the statutes is created to read:  
7 814.60 (2) (ad) Law enforcement training fund assessment imposed by s.  
8 165.87 (1).

9 **\*-0454/3.8\* SECTION 3833.** 814.60 (2) (ai) of the statutes is amended to read:  
10 814.60 (2) (ai) Consumer ~~information~~ protection assessment imposed by s.  
11 100.261.

12 **\*-1394/2.109\* SECTION 3834.** 814.63 (3) (ad) of the statutes is created to read:  
13 814.63 (3) (ad) Law enforcement training fund assessment imposed by s.  
14 165.87 (1).

15 **\*-0454/3.9\* SECTION 3835.** 814.63 (3) (ai) of the statutes is amended to read:  
16 814.63 (3) (ai) Consumer ~~information~~ protection assessment imposed by s.  
17 100.261.

18 **\*-0638/3.2\* SECTION 3836.** 814.635 (1m) of the statutes is repealed.

19 **\*-0638/3.3\* SECTION 3837.** 814.635 (2) of the statutes is amended to read:  
20 814.635 (2) The clerk shall pay the moneys collected under ~~subs. sub. (1) and~~  
21 ~~(1m)~~ to the county treasurer under s. 59.40 (2) (m). The county treasurer shall pay  
22 those moneys to the state treasurer under s. 59.25 (3) (p).

23 **\*-0658/2.19\* SECTION 3838.** 852.01 (3) of the statutes is amended to read:  
24 852.01 (3) ESCHEAT. If there are no heirs of the decedent under subs. (1) and  
25 (2), the net estate escheats to the state to be added to the capital of the school fund.



1 Claims on amounts escheated to the state may be made under s. 863.39 (3) within  
2 10 years after the date of publication under s. 177.18 (2m). If a claimant resides  
3 outside the United States or its territories, the court may require the personal  
4 appearance of the claimant before the court.

5 \***-0658/2.20\*** SECTION 3839. 863.37 (2) (a) of the statutes is renumbered 863.37  
6 (2) and amended to read:

7 863.37 (2) Whenever payment of a legacy or a distributive share cannot be  
8 made to the person entitled to payment or it appears that the person may not receive  
9 or have the opportunity to obtain payment, the court may, on petition of a person  
10 interested or on its own motion, order that the funds be paid or delivered to the state  
11 treasurer for deposit as provided under s. 177.23. Claims on the funds may be made  
12 under s. 863.39 (3) within 10 years after the date of publication under s. 177.18 (2m).  
13 When a claimant to the funds resides outside the United States or its territories the  
14 court may require the personal appearance of the claimant before the court.

15 \***-0658/2.21\*** SECTION 3840. 863.37 (2) (b) of the statutes is repealed.

16 \***-0658/2.22\*** SECTION 3841. 863.39 (3) (a) of the statutes is amended to read:

17 863.39 (3) (a) Within 10 years after the date of publication under s. 177.18 (2m),  
18 any person claiming any amount deposited under sub. (1) or under s. 852.01 (3) or  
19 863.37 (2) may file in the probate court in which the estate was settled a petition  
20 alleging the basis of his or her claim. The court shall order a hearing upon the  
21 petition, and 20 days' notice of the hearing and a copy of the petition shall be given  
22 by the claimant to the ~~department of revenue~~ state treasurer and to the attorney  
23 general, who may appear for the state at the hearing. If the claim is established it  
24 shall be allowed without interest, but including any increment which may have  
25 occurred on securities held, ~~and the court shall so certify to the department of~~

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1 ~~administration, which shall audit the claim.~~ The state treasurer shall pay the claim  
2 out of the appropriation under s. 20.585 (1) (j). ~~Before issuing the order distributing~~  
3 ~~the estate, the court shall issue an order determining the death tax due, if any.~~ If real  
4 property has been adjudged to escheat to the state under s. 852.01 (3) the probate  
5 court ~~which~~ that made the adjudication may adjudge at any time before title has been  
6 transferred from the state that the title shall be transferred to the proper owners  
7 under this subsection.

8 \*~~0658/2.23~~\* **SECTION 3842.** 863.39 (3) (b) of the statutes is repealed.

9 \*~~0658/2.24~~\* **SECTION 3843.** 863.39 (3) (bm) of the statutes is created to read:

10 863.39 (3) (bm) 1. Notwithstanding par. (a), any person claiming an amount  
11 deposited under sub. (1) or under s. 852.01 (3) or 863.37 (2) that does not exceed  
12 \$5,000 may, within 10 years after the date of publication under s. 177.18 (2m), file  
13 with the state treasurer a claim on a form prescribed by the state treasurer and  
14 verified by the claimant.

15 2. The state treasurer shall consider each claim within 90 days after it is filed  
16 and may refer any claim to the attorney general for an opinion. For each claim  
17 referred, the attorney general shall advise the state treasurer either to allow it or to  
18 deny it in whole or in part. The state treasurer shall give written notice to the  
19 claimant if the claim is denied in whole or in part. The notice shall be given by  
20 mailing it to the last address, if any, stated in the claim as the address of the claimant  
21 to which notices are to be sent. If no address for notices is stated in the claim, the  
22 notice shall be mailed to the last address, if any, stated in the claim as the address  
23 of the claimant. No notice of denial need be given if the claim fails to state either the  
24 last address to which notices are to be sent or the address of the claimant.

1           3. If the state treasurer determines that the claim should be allowed, the state  
2 treasurer shall provide written notice to, and obtain the written consent of, the  
3 attorney general. The state treasurer shall file with the probate court in which the  
4 estate was settled written notice of the allowed claim, as well as the written consent  
5 of the attorney general. The probate court shall issue an order requiring the state  
6 treasurer to pay the claim. The state treasurer shall pay the claim, without interest  
7 but including any increment that may have occurred on securities held, out of the  
8 appropriation account under s. 20.585 (1) (j).

9           4. A person aggrieved by a decision of the state treasurer under this paragraph,  
10 or whose claim has not been acted upon by the state treasurer within 90 days after  
11 its filing under subd. 1., may bring an action to establish the claim in the probate  
12 court in which the estate was settled. The action shall be brought within 90 days  
13 after the decision of the state treasurer or within 180 days after the filing of the claim  
14 if the state treasurer has failed to act on it. If the person establishes the claim in the  
15 action, the court shall award the person costs and reasonable attorney fees against  
16 the state treasurer.

17           \***-0433/4.1\*** SECTION 3844. 867.035 (1) (a) (intro.) of the statutes is amended  
18 to read:

19           867.035 (1) (a) (intro.) ~~Except as provided in~~ Subject to par. (bm), the  
20 department of health and family services may collect from the property of a decedent,  
21 including funds of a decedent that are held by the decedent immediately before death  
22 in a joint account or a P.O.D. account, by affidavit under this section sub. (2) or by  
23 lien under sub. (2m) an amount equal to the medical assistance that is recoverable  
24 under s. 49.496 (3) (a), the long-term community support services under s. 46.27 that  
25 is recoverable under s. 46.27 (7g) (c) 1., the family care benefit that is recoverable

1 under rules promulgated under s. 46.286 (7), or the aid under s. 49.68, 49.683, or  
2 49.685 that is recoverable under s. 49.682 (2) (a) and that was paid on behalf of the  
3 decedent or the decedent's spouse, if all of the following conditions are satisfied:

4 **\*-0433/4.2\* SECTION 3845.** 867.035 (1) (a) 1. of the statutes is amended to read:

5 867.035 (1) (a) 1. No person files a petition for administration or summary  
6 settlement or assignment of the decedent's estate within 20 days of death.

7 **\*-0433/4.3\* SECTION 3846.** 867.035 (1) (bm) (intro.) of the statutes is amended  
8 to read:

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

14 **\*-0433/4.4\* SECTION 3847.** 867.035 (1) (bm) 1. of the statutes is repealed.

15 **\*-0433/4.5\* SECTION 3848.** 867.035 (1) (bm) 2. of the statutes is amended to  
16 read:

17 867.035 (1) (bm) 2. Wearing apparel and jewelry held for personal use.

18 **\*-0433/4.6\* SECTION 3849.** 867.035 (1) (bm) 3. of the statutes is amended to  
19 read:

20 867.035 (1) (bm) 3. Household furniture, furnishings, and appliances.

21 **\*-0433/4.7\* SECTION 3850.** 867.035 (1) (bm) 4. of the statutes is repealed and  
22 recreated to read:

23 867.035 (1) (bm) 4. Other tangible personal property not used in trade,  
24 agriculture, or other business, not exceeding in value the amount specified in s.  
25 861.33 (1) (a) 4.

1           \***-0433/4.8\*** SECTION 3851. 867.035 (2) of the statutes is amended to read:

2           867.035 (2) A person who possesses property of a decedent shall transmit the  
3 property to the department of health and family services, if the conditions in sub. (1)  
4 (a) 1. to 4. are satisfied, upon receipt of an affidavit by a person designated by the  
5 secretary of health and family services to administer this section showing that the  
6 conditions in sub. (1) (a) are satisfied department paid on behalf of the decedent or  
7 the decedent's spouse recoverable benefits specified in sub. (1) (a). Upon transmittal,  
8 the person is released from any obligation to other creditors or heirs of the decedent.

9           \***-0433/4.9\*** SECTION 3852. 867.035 (2m) of the statutes is created to read:

10          867.035 (2m) (a) If the conditions in sub. (1) (a) 1., 2., and 4. are satisfied, the  
11 department of health and family services shall have a lien in the amount that it may  
12 recover under sub. (1) (a) on any interest in the decedent's home, as defined in s.  
13 49.496 (1) (b), transferred under s. 867.03 (1g). The department may record the lien  
14 in the office of the register of deeds of the county in which the real property is located.  
15 The department may enforce the lien by foreclosure in the same manner as a  
16 mortgage on real property, unless any of the following is alive:

17           1. The decedent's spouse.

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

20          (b) If the conditions in sub. (1) (a) 1. to 4. are satisfied, the department of health  
21 and family services shall have a lien in the amount that it may recover under sub.  
22 (1) (a) on any interest in any real property of the decedent transferred under s. 867.03  
23 (1g). The department may record the lien in the office of the register of deeds of the  
24 county in which the real property is located and may enforce the lien by foreclosure  
25 in the same manner as a mortgage on real property.

1           \***-0094/5.3**\* SECTION 3853. 885.37 (title) of the statutes is amended to read:

2           **885.37** (title) **Interpreters for persons with language difficulties or**  
3 **hearing or speaking impairments limited English proficiency.**

4           \***-0094/5.4**\* SECTION 3854. 885.37 (1) of the statutes is renumbered 885.37  
5 (1m), and 885.37 (1m) (b), as renumbered, is amended to read:

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

18           \***-0094/5.5**\* SECTION 3855. 885.37 (1g) of the statutes is created to read:

19           885.37 (1g) In this section:

20           (a) "Limited English proficiency" means any of the following:

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

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

1 (b) "Qualified interpreter" means a person who is able to do all of the following:

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

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

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

10 \*-0094/5.6\* SECTION 3856. 885.37 (2) of the statutes is amended to read:

11 885.37 (2) A court may authorize the use of an interpreter in actions or  
12 proceedings in addition to those specified in sub. (1) (1m).

13 \*-0094/5.7\* SECTION 3857. 885.37 (3) (b) of the statutes is amended to read:

14 885.37 (3) (b) In any administrative contested case proceeding before a state,  
15 county, or municipal agency, if the agency conducting the proceeding has notice that  
16 a party to the proceeding has ~~a language difficulty because of the inability to speak~~  
17 ~~or understand English, has a hearing impairment, is unable to speak or has a speech~~  
18 ~~defect, the agency shall make a factual determination of whether the language~~  
19 ~~difficulty or hearing or speaking impairment is sufficient to prevent the party from~~  
20 ~~communicating with others, reasonably understanding the English testimony or~~  
21 ~~reasonably being understood in English. If the agency determines limited English~~  
22 ~~proficiency and that an interpreter is necessary, the agency shall advise the party~~  
23 ~~that he or she has a right to a qualified interpreter. After considering the party's~~  
24 ~~ability to pay and the other needs of the party, the agency may provide for an~~

1 interpreter for the party at the public's expense. Any waiver of the right to an  
2 interpreter is effective only if made at the administrative contested case proceeding.

3 **\*-0094/5.8\* SECTION 3858.** 885.37 (3m) of the statutes is amended to read:

4 885.37 (3m) Any agency may authorize the use of an a qualified interpreter in  
5 a contested case proceeding for a person who is not a party but who has a substantial  
6 interest in the proceeding.

7 **\*-0094/5.9\* SECTION 3859.** 885.37 (4) (a) (intro.) of the statutes is amended to  
8 read:

9 885.37 (4) (a) (intro.) The necessary expense of furnishing an a qualified  
10 interpreter for an indigent person under sub. (1) (1m) or (2) shall be paid as follows:

11 **\*-0094/5.10\* SECTION 3860.** 885.37 (4) (b) of the statutes is amended to read:

12 885.37 (4) (b) The necessary expense of furnishing an a qualified interpreter  
13 for an indigent party under sub. (3) shall be paid by the unit of government for which  
14 the proceeding is held.

15 **\*-0094/5.11\* SECTION 3861.** 885.37 (5) (a) of the statutes is amended to read:

16 885.37 (5) (a) If a court under sub. (1) (1m) or (2) or an agency under sub. (3)  
17 decides to appoint an interpreter, the court or agency shall follow the applicable  
18 procedure under par. (b) or (c).

19 **\*-0094/5.12\* SECTION 3862.** 885.37 (6) to (10) of the statutes are created to  
20 read:

21 885.37 (6) (a) If a person with limited English proficiency requests the  
22 assistance of the clerk of circuit courts regarding a legal proceeding, the clerk may  
23 provide the assistance of a qualified interpreter to respond to the person's inquiry.

24 (b) A qualified interpreter appointed under this section may, with the approval  
25 of the court, provide interpreter services outside the court room that are related to



1 the court proceedings, including during court-ordered psychiatric or medical exams  
2 or mediation.

3 (7) (a) A person with limited English proficiency may waive the right to a  
4 qualified interpreter at any point in the court proceeding if the court advises the  
5 person of the nature and effect of the waiver and determines on the record that the  
6 waiver has been made knowingly, intelligently, and voluntarily.

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

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

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

17 (9) The delay resulting from the need to locate and appoint a qualified  
18 interpreter may constitute good cause for the court to toll the time limitations in the  
19 court proceeding.

20 (10) The supreme court shall establish the procedures and policies for the  
21 recruitment, training, and testing of persons to act as qualified interpreters in a  
22 court proceeding and for the coordination, discipline, and retention of those  
23 interpreters.

24 \*-1536/3.20\* SECTION 3863. 889.29 (1) of the statutes is amended to read:

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1           889.29 (1) If any business, institution or member of a profession or calling in  
2 the regular course of business or activity has kept or recorded any memorandum,  
3 writing, entry, print, representation or combination thereof, of any act, transaction,  
4 occurrence or event, and in the regular course of business has caused any or all of the  
5 same to be recorded, copied or reproduced by any photographic, photostatic,  
6 microfilm, microcard, miniature photographic, or other process which accurately  
7 reproduces or forms a durable medium for so reproducing the original, or to be  
8 recorded on an optical disk or in electronic format, the original may be destroyed in  
9 the regular course of business, unless its preservation is required by law. Such  
10 reproduction or optical disk record, when reduced to comprehensible format and  
11 when satisfactorily identified, is as admissible in evidence as the original itself in any  
12 judicial or administrative proceeding whether the original is in existence or not and  
13 an enlargement or facsimile of such reproduction of a record or an enlarged copy of  
14 a record generated from an original record stored in optical disk or electronic format  
15 is likewise admissible in evidence if the original reproduction is in existence and  
16 available for inspection under direction of court. The introduction of a reproduced  
17 record, enlargement or facsimile, does not preclude admission of the original. This  
18 subsection does not apply to records governed by s. 137.20.

19           \*~~1528/8.30~~\* SECTION 3864. 895.11 of the statutes is created to read:

20           **895.11 Payments under the tobacco settlement agreement.** (1) In this  
21 section, "tobacco settlement agreement" means the Attorneys General Master  
22 Tobacco Settlement Agreement of November 23, 1998.

23           (2) The state's participation in the tobacco settlement agreement is affirmed.

24           (3) All payments received and to be received by the state under the tobacco  
25 settlement agreement are the property of the state, to be used as provided by law,

1 including a sale, assignment, or transfer of the right to receive the payments under  
2 s. 16.63. No political subdivision of the state, and no officer or agent of any political  
3 subdivision of the state, shall have or seek to maintain any claim related to the  
4 tobacco settlement agreement or any claim against any party that was released from  
5 liability by the state under the tobacco settlement agreement.

6 **\*-0549/1.19\* SECTION 3865.** 895.483 (title) of the statutes is amended to read:

7 **895.483 (title) Civil liability exemption; regional and county local**  
8 **emergency response teams and their sponsoring agencies.**

9 **\*-0549/1.20\* SECTION 3866.** 895.483 (2) of the statutes is amended to read:

10 895.483 (2) A county local emergency response team, a member of such a team  
11 and the county, city, village, or town that contracts to provide the emergency response  
12 team to the county are immune from civil liability for acts or omissions related to  
13 carrying out responsibilities pursuant to a designation under s. 166.21 (2m) (e).

14 **\*-1695/4.10\* SECTION 3867.** 895.496 of the statutes is created to read:

15 **895.496 Liability exemption; stray voltage. (1)** In this section:

16 (a) “Farmer” and “farm premises” have the meaning given in s. 102.04 (3).

17 (b) “Public utility” has the meaning given in s. 196.01 (5) (a).

18 (2) A public utility is immune from liability for any damage caused by or  
19 resulting from stray voltage contributed by the public utility if that stray voltage is  
20 below the level of concern established by the public service commission that is in  
21 effect at the time of measurement, as determined using the principles and guidelines  
22 of the public service commission regarding stray voltage screening and diagnostic  
23 procedures that are in effect at the time of measurement. Upon request of any party  
24 to an action for damages related to stray voltage, the public service commission shall

1 evaluate and testify as to whether the applicable order of the public service  
2 commission was followed in calculating the amount of stray voltage.

3 \***-0528/1.1\*** SECTION 3868. 895.518 of the statutes is created to read:

4 **895.518 Liability exemption; rails with trails.** (1) In this section,  
5 “rails-with-trails trail” means a strip of land that is located partly or fully within an  
6 active rail corridor and is identified in an agreement entered into by a railroad that  
7 operates within that rail corridor and a person that is sponsoring and maintaining  
8 the strip of land for the use of individuals for purposes specified in the agreement.

9 (2) The owner of property upon which a rails-with-trails trail is located and  
10 any railroad that operates within the active rail corridor upon which a  
11 rails-with-trails trail is located is immune from civil liability for the death of or  
12 injury to an individual or damage to an individual’s property resulting from the  
13 individual’s use of a rails-with-trails trail.

14 (3) The immunity under sub. (2) does not apply if the death, injury, or damage  
15 to property was caused by willful or wanton acts or omissions of the property owner  
16 or railroad.

17 \***-0363/5.2\*** SECTION 3869. 895.58 (1) (cr) of the statutes is created to read:

18 895.58 (1) (cr) “Solid waste” has the meaning given in s. 289.01 (33).

19 \***-0363/5.3\*** SECTION 3870. 895.58 (1) (d) of the statutes is amended to read:

20 895.58 (1) (d) “Special waste” means any type of solid waste that is  
21 characterized for beneficial use in public works projects by the department of natural  
22 resources for which the department has granted a waiver or an exemption under s.  
23 289.43 (3), (4), (7), or (8) or which is exempt by rule promulgated under s. 289.05 (4).

24 \***-0363/5.4\*** SECTION 3871. 895.58 (2) of the statutes is amended to read:

1           895.58 (2) The department may characterize a solid special waste as suitable  
2 for beneficial use in public works projects ~~by rule, memorandum of understanding~~  
3 ~~between itself and other state agencies or local governmental units, or on a~~  
4 ~~case-by-case basis.~~ The department shall compile and maintain a list of special  
5 wastes that are suitable for use in specified types of public works projects in a format  
6 readily available to the general public and only those special wastes may be required  
7 by contracting agencies to be used in a public works project. The list may include  
8 conditions under which the special waste may be used in the public works project in  
9 order for subs. (3) and (4) to be applicable. The list under this subsection is not a rule  
10 under s. 227.01 (13).

11           \***-0363/5.5\*** SECTION 3872. 895.58 (3) of the statutes is amended to read:

12           895.58 (3) Special waste, when used in a public works project, is ~~not subject to~~  
13 exempt from regulation as solid waste under ch. 289 if all applicable conditions  
14 included in the list compiled under sub. (2) are met.

15           \***-0094/5.13\*** SECTION 3873. 905.015 of the statutes is amended to read:

16           **905.015 Interpreters for persons with language difficulties, limited**  
17 **English proficiency, or hearing or speaking impairments.** If an interpreter  
18 for a person with a language difficulty, limited English proficiency, as defined in s.  
19 885.37 (1g) (a), or a hearing or speaking impairment interprets as an aid to a  
20 communication which is privileged by statute, rules adopted by the supreme court,  
21 or the U.S. or state constitution, the interpreter may be prevented from disclosing  
22 the communication by any person who has a right to claim the privilege. The  
23 interpreter may claim the privilege but only on behalf of the person who has the  
24 right. The authority of the interpreter to do so is presumed in the absence of evidence  
25 to the contrary.

1           \***-1855/2.31\*** SECTION 3874. 908.08 (1) of the statutes is amended to read:

2           908.08 (1) In any criminal trial or hearing, juvenile fact-finding hearing under  
3 s. 48.31 or 938.31 or revocation hearing under s. 302.113 (9) (am), 302.114 (9) (am),  
4 304.06 (3), or 973.10 (2), the court or hearing examiner may admit into evidence the  
5 videotaped oral statement of a child who is available to testify, as provided in this  
6 section.

7           \***-1536/3.21\*** SECTION 3875. 910.01 (1) of the statutes is amended to read:

8           910.01 (1) WRITINGS AND RECORDINGS. “Writings” and “recordings” consist of  
9 letters, words or numbers, or their equivalent, set down by handwriting, typewriting,  
10 printing, photostating, photographing, magnetic impulse, mechanical or electronic  
11 recording, or other form of data compilation or recording.

12           \***-1536/3.22\*** SECTION 3876. 910.02 of the statutes is amended to read:

13           **910.02 Requirement of original.** To prove the content of a writing, recording  
14 or photograph, the original writing, recording or photograph is required, except as  
15 otherwise provided in chs. 901 to 911, s. 137.21, or by other statute.

16           \***-1536/3.23\*** SECTION 3877. 910.03 of the statutes is amended to read:

17           **910.03 Admissibility of duplicates.** A duplicate is admissible to the same  
18 extent as an original unless (1) a genuine question is raised as to the authenticity of  
19 the original or (2) in the circumstances it would be unfair to admit the duplicate in  
20 lieu of the original. This section does not apply to records of transactions governed  
21 by s. 137.21.

22           \***-2174/2.3\*** SECTION 3878. 938.02 (15m) of the statutes is amended to read:

23           938.02 (15m) “Secured correctional facility” means a correctional institution  
24 operated or contracted for by the department of corrections or operated by the  
25 department of health and family services for holding in secure custody persons.

1 adjudged delinquent. "Secured correctional facility" includes the Mendota juvenile  
2 treatment center under s. 46.057, ~~the facility at which the juvenile boot camp~~  
3 ~~program under s. 938.532 is operated~~ and a facility authorized under s. 938.533 (3)  
4 (b), 938.538 (4) (b), or 938.539 (5).

5 \*~~0833/3.1~~\* SECTION 3879. 938.17 (2) (d) of the statutes is amended to read:

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

22 \*~~0447/3.7~~\* SECTION 3880. 938.183 (3) of the statutes is amended to read:

23 938.183 (3) Except as provided in s. 973.013 (3m), the department shall place  
24 a juvenile under 15 years of age who is subject to a criminal penalty under sub. (1m)  
25 or (2) in a secured correctional facility or a secured child caring institution. When

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1 a juvenile who is subject to a criminal penalty under sub. (1m) or (2) attains the age  
2 of ~~17~~ 15 years, the department may place the juvenile in a state prison named in s.  
3 302.01. ~~If a juvenile who is subject to a criminal penalty under sub. (1m) or (2) is 15~~  
4 ~~years of age or over, the department may transfer the juvenile to the Racine youthful~~  
5 ~~offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d).~~ A  
6 juvenile who is subject to a criminal penalty under sub. (1m) or (2) for an act  
7 committed before December 31, 1999, is eligible for parole under s. 304.06.

8 \*~~0448/3.2~~\* **SECTION 3881.** 938.185 (2) of the statutes is amended to read:

9 938.185 (2) Venue for any proceeding under s. 938.363 ~~or~~, 938.365, or 938.538  
10 (4m) (a) 2. shall be in the county where the dispositional order was issued, unless the  
11 juvenile's county of residence has changed, or the parent of the juvenile has resided  
12 in a different county of this state for 6 months. In either case, the court may, upon  
13 a motion and for good cause shown, transfer the case, along with all appropriate  
14 records, to the county of residence of the juvenile or parent.

15 \*~~0446/2.1~~\* **SECTION 3882.** 938.19 (1) (d) 6. of the statutes is amended to read:

16 938.19 (1) (d) 6. The juvenile has violated ~~the terms~~ a condition of  
17 court-ordered supervision or aftercare supervision administered by the department  
18 or a county department, a condition of the juvenile's placement in a Type 2 secured  
19 correctional facility or a Type 2 child caring institution, or a condition of the juvenile's  
20 participation in the intensive supervision program under s. 938.534.

21 \*~~0446/2.2~~\* **SECTION 3883.** 938.20 (2) (cm) of the statutes is amended to read:

22 938.20 (2) (cm) If the juvenile has violated ~~the terms~~ a condition of aftercare  
23 supervision administered by the department or a county department, a condition of  
24 the juvenile's placement in a Type 2 secured correctional facility or a Type 2 child  
25 caring institution, or a condition of the juvenile's participation in the intensive



1 supervision program under s. 938.534, the person who took the juvenile into custody  
2 may release the juvenile to the department or county department, whichever has  
3 aftercare supervision over the juvenile.

4 **\*-0446/2.3\* SECTION 3884.** 938.20 (7) (c) 1m. of the statutes is amended to read:

5 938.20 (7) (c) 1m. In the case of a juvenile who has violated ~~the terms a~~  
6 condition of aftercare supervision administered by the department or a county  
7 department, a condition of the juvenile's placement in a Type 2 secured correctional  
8 facility or a Type 2 child caring institution, or a condition of the juvenile's  
9 participation in the intensive supervision program under s. 938.534, to the  
10 department or county department, whichever has aftercare supervision of the  
11 juvenile.

12 **\*-0446/2.4\* SECTION 3885.** 938.20 (8) of the statutes is amended to read:

13 938.20 (8) If a juvenile is held in custody, the intake worker shall notify the  
14 juvenile's parent, guardian, and legal custodian of the reasons for holding the  
15 juvenile in custody and of the juvenile's whereabouts unless there is reason to believe  
16 that notice would present imminent danger to the juvenile. If a juvenile who has  
17 violated ~~the terms a condition~~ of aftercare supervision administered by the  
18 department or a county department, a condition of the juvenile's placement in a Type  
19 2 secured correctional facility or a Type 2 child caring institution, or a condition of  
20 the juvenile's participation in the intensive supervision program under s. 938.534 is  
21 held in custody, the intake worker shall also notify the department or county  
22 department, whichever has supervision over the juvenile, of the reasons for holding  
23 the juvenile in custody, of the juvenile's whereabouts, and of the time and place of the  
24 detention hearing required under s. 938.21. The parent, guardian, and legal  
25 custodian shall also be notified of the time and place of the detention hearing

1 required under s. 938.21, the nature and possible consequences of that hearing, and  
2 the right to present and cross-examine witnesses at the hearing. If the parent,  
3 guardian, or legal custodian is not immediately available, the intake worker or  
4 another person designated by the court shall provide notice as soon as possible.  
5 When the juvenile is alleged to have committed a delinquent act, the juvenile shall  
6 receive the same notice about the detention hearing as the parent, guardian, or legal  
7 custodian. The intake worker shall notify both the juvenile and the juvenile's parent,  
8 guardian, or legal custodian.

9 **\*-0446/2.5\* SECTION 3886.** 938.205 (1) (c) of the statutes is amended to read:

10 938.205 (1) (c) That the juvenile will run away or be taken away so as to be  
11 unavailable for proceedings of the court or its officers ~~or~~, proceedings of the division  
12 of hearings and appeals in the department of administration for revocation of  
13 aftercare supervision, or action by the department or county department relating to  
14 a violation of a condition of the juvenile's placement in a Type 2 secured correctional  
15 facility or a Type 2 child caring institution or a condition of the juvenile's  
16 participation in the intensive supervision program under s. 938.534.

17 **\*-0446/2.6\* SECTION 3887.** 938.208 (1) (intro.) of the statutes is amended to  
18 read:

19 938.208 (1) (intro.) Probable cause exists to believe that the juvenile has  
20 committed a delinquent act and either presents a substantial risk of physical harm  
21 to another person or a substantial risk of running away so as to be unavailable for  
22 a court hearing ~~or~~, a revocation ~~hearing for juveniles on~~ of aftercare supervision  
23 hearing, or action by the department relating to a violation of a condition of the  
24 juvenile's placement in a Type 2 secured correctional facility or a Type 2 child caring  
25 institution or a condition of the juvenile's participation in the intensive supervision

1 program under s. 938.534. For juveniles who have been adjudged delinquent, the  
2 delinquent act referred to in this section may be the act for which the juvenile was  
3 adjudged delinquent. If the intake worker determines that any of the following  
4 conditions applies, the juvenile is considered to present a substantial risk of physical  
5 harm to another person:

6 **\*-0440/3.5\* SECTION 3888.** 938.21 (5) (b) of the statutes is renumbered 938.21  
7 (5) (b) (intro.) and amended to read:

8 938.21 (5) (b) (intro.) An order relating to a juvenile held in custody outside of  
9 his or her home shall also ~~describe~~ include all of the following:

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

14 **\*-0440/3.6\* SECTION 3889.** 938.21 (5) (b) 2. of the statutes is created to read:

15 938.21 (5) (b) 2. If the juvenile is held in custody outside the home in a  
16 placement recommended by the intake worker, a statement that the court approves  
17 the placement recommended by the intake worker or, if the juvenile is placed outside  
18 the home in a placement other than a placement recommended by the intake worker,  
19 a statement that the court has given bona fide consideration to the recommendations  
20 made by the intake worker and all parties relating to the placement of the juvenile.

21 **\*-1394/2.110\* SECTION 3890.** 938.237 (2) of the statutes is amended to read:

22 938.237 (2) The procedures for issuance and filing of a citation, and for  
23 forfeitures, stipulations and deposits in ss. 23.50 to 23.67, 23.75 (3) and (4), 66.0113  
24 [s. 66.0114], 778.25, 778.26, and 800.01 to 800.04 except s. 800.04 (2) (b), when the  
25 citation is issued by a law enforcement officer, shall be used as appropriate, except

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1 that this chapter shall govern taking and holding a juvenile in custody, s. 938.37 shall  
2 govern costs, penalty assessments, law enforcement training fund assessments, and  
3 jail assessments, and a capias shall be substituted for an arrest warrant. Sections  
4 66.0113 (3) (c) and (d), 66.0317 (1) [s. 66.0114 (1)] and 778.10 as they relate to  
5 collection of forfeitures do not apply.

6 **\*-0094/5.14\* SECTION 3891.** 938.315 (1) (h) of the statutes is created to read:

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

9 **\*-0441/6.48\* SECTION 3892.** 938.33 (4) (intro.) of the statutes is amended to  
10 read:

11 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending  
12 placement in a foster home, treatment foster home, group home, or nonsecured child  
13 caring institution or in the home of the juvenile's guardian under s. 48.977 (2) shall  
14 be in writing, except that the report may be presented orally at the dispositional  
15 hearing if all parties consent. A report that is presented orally shall be transcribed  
16 and made a part of the court record. The report shall include all of the following:

17 **\*-2174/2.4\* SECTION 3893.** 938.34 (4n) (intro.) of the statutes is amended to  
18 read:

19 938.34 (4n) AFTERCARE SUPERVISION. (intro.) Subject to s. 938.532 (3) and to any  
20 arrangement between the department and a county department regarding the  
21 provision of aftercare supervision for juveniles who have been released from a  
22 secured correctional facility, a secured child caring institution, or a secured group  
23 home, designate one of the following to provide aftercare supervision for the juvenile  
24 following the juvenile's release from the secured correctional facility, secured child  
25 caring institution, or secured group home:

1           \***-1891/4.83\*** SECTION 3894. 938.34 (5m) of the statutes is amended to read:

2           938.34 (5m) COMMUNITY SERVICE WORK PROGRAM. Order the juvenile to  
3 participate in a youth corps program, as defined in s. ~~16.22~~ 106.22 (1) (dm), or  
4 another community service work program, if the sponsor of the program approves  
5 the juvenile's participation in the program.

6           \***-0833/3.2\*** SECTION 3895. 938.34 (8) of the statutes, as affected by 1999  
7 Wisconsin Act 185, is amended to read:

8           938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that  
9 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The  
10 maximum forfeiture that the court may impose under this subsection for a violation  
11 by a juvenile is the maximum amount of the fine that may be imposed on an adult  
12 for committing that violation or, if the violation is applicable only to a person under  
13 18 years of age, \$100. Any such order shall include a finding that the juvenile alone  
14 is financially able to pay the forfeiture and shall allow up to 12 months for payment.  
15 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order  
16 other alternatives under this section, in accordance with the conditions specified in  
17 this chapter; or the court may suspend any license issued under ch. 29 for not less  
18 than 30 days nor more than 5 years, or, ~~unless the forfeiture was imposed for~~  
19 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle,~~ may  
20 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not more  
21 than 2 years. If the court suspends any license under this subsection, the clerk of the  
22 court shall immediately take possession of the suspended license and forward it to  
23 the department which issued the license, together with a notice of suspension clearly  
24 stating that the suspension is for failure to pay a forfeiture imposed by the court. If  
25 the forfeiture is paid during the period of suspension, the suspension shall be reduced

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1 to the time period which has already elapsed and the court shall immediately notify  
2 the department which shall then return the license to the juvenile. Any recovery  
3 under this subsection shall be reduced by the amount recovered as a forfeiture for  
4 the same act under s. 938.45 (1r) (b).

5 **\*-0833/3.3\* SECTION 3896.** 938.343 (2) of the statutes, as affected by 1999  
6 Wisconsin Act 185, is amended to read:

7 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may  
8 be imposed on an adult for committing that violation or, if the violation is only  
9 applicable to a person under 18 years of age, \$50. Any such order shall include a  
10 finding that the juvenile alone is financially able to pay and shall allow up to 12  
11 months for the payment. If a juvenile fails to pay the forfeiture, the court may  
12 suspend any license issued under ch. 29 or, ~~unless the forfeiture was imposed for~~  
13 ~~violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may~~  
14 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less  
15 more than 2 years. The court shall immediately take possession of the suspended  
16 license and forward it to the department which issued the license, together with the  
17 notice of suspension clearly stating that the suspension is for failure to pay a  
18 forfeiture imposed by the court. If the forfeiture is paid during the period of  
19 suspension, the court shall immediately notify the department, which will thereupon  
20 return the license to the person. Any recovery under this subsection shall be reduced  
21 by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

22 **\*-0441/6.49\* SECTION 3897.** 938.345 (4) of the statutes is created to read:

23 938.345 (4) If the court finds that a juvenile is in need of protection or services  
24 under s. 938.13 (4), the court, instead of or in addition to any other disposition

1 imposed under sub. (1), may place the juvenile in the home of the juvenile's guardian  
2 under s. 48.977 (2).

3 **\*-0440/3.7\* SECTION 3898.** 938.355 (2) (b) 6m. of the statutes is created to read:

4 938.355 (2) (b) 6m. If the juvenile is placed outside the home in a placement  
5 recommended by the agency designated under s. 938.33 (1), a statement that the  
6 court approves the placement recommended by the agency or, if the juvenile is placed  
7 outside the home in a placement other than a placement recommended by that  
8 agency, a statement that the court has given bona fide consideration to the  
9 recommendations made by the agency and all parties relating to the juvenile's  
10 placement.

11 **\*-0446/2.7\* SECTION 3899.** 938.355 (6d) (a) 4. of the statutes is created to read:

12 938.355 (6d) (a) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile  
13 who has been adjudged delinquent and who has violated a condition specified in sub.  
14 (2) (b) 7. from being taken into and held in custody under ss. 938.19 to 938.21.

15 **\*-0446/2.8\* SECTION 3900.** 938.355 (6d) (b) 4. of the statutes is created to read:

16 938.355 (6d) (b) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile  
17 who has violated a condition of aftercare supervision administered by a county  
18 department from being taken into and held in custody under ss. 938.19 to 938.21.

19 **\*-0446/2.9\* SECTION 3901.** 938.355 (6d) (c) 4. of the statutes is created to read:

20 938.355 (6d) (c) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile  
21 who has been found to be in need of protection or services and who has violated a  
22 condition specified in sub. (2) (b) 7. from being taken into and held in custody under  
23 ss. 938.19 to 938.21.

24 **\*-0440/3.8\* SECTION 3902.** 938.357 (2v) of the statutes is created to read:

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1           938.357 (2v) If a hearing is held under sub. (1) or (2m) and the change in  
2 placement would place the juvenile outside the home in a placement recommended  
3 by the person or agency primarily responsible for implementing the dispositional  
4 order, the change in placement order shall include a statement that the court  
5 approves the placement recommended by the person or agency or, if the juvenile is  
6 placed outside the home in a placement other than a placement recommended by that  
7 person or agency, a statement that the court has given bona fide consideration to the  
8 recommendations made by that person or agency and all parties relating to the  
9 juvenile's placement.

10           \***-0449/4.6\*** SECTION 3903. 938.357 (4) (b) 2. of the statutes is amended to read:

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



1 applicable, for the cost of the juvenile's care while placed in a Type 1 secured  
2 correctional facility.

3 **\*-0447/3.8\* SECTION 3904.** 938.357 (4) (d) of the statutes is repealed.

4 **\*-1394/2.111\* SECTION 3905.** 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 **\*-0264/4.6\* SECTION 3906.** 938.38 (2) (intro.) of the statutes is amended to  
11 read:

12 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
13 for each juvenile living in a foster home, treatment foster home, group home, child  
14 caring institution, secure detention facility, or shelter care facility or in the home of  
15 a relative, the agency that placed the juvenile or arranged the placement or the  
16 agency assigned primary responsibility for providing services to the juvenile under  
17 s. 938.355 shall prepare a written permanency plan, if any of the following conditions  
18 exists:

19 **\*-0264/4.7\* SECTION 3907.** 938.38 (4) (f) (intro.) of the statutes is amended to  
20 read:

21 938.38 (4) (f) (intro.) The services that will be provided to the juvenile, the  
22 juvenile's family, and the juvenile's foster parent, the juvenile's treatment foster  
23 parent ~~or~~ the operator of the facility where the juvenile is living, or the relative with  
24 whom the juvenile is living to carry out the dispositional order, including services  
25 planned to accomplish all of the following:

1           \***-0264/4.8\*** SECTION 3908. 938.38 (5) (a) of the statutes is amended to read:

2           938.38 (5) (a) The court or a panel appointed under this paragraph shall review  
3 the permanency plan every 6 months from the date on which the juvenile was first  
4 held in physical custody or placed outside of his or her home under a court order. If  
5 the court elects not to review the permanency plan, the court shall appoint a panel  
6 to review the permanency plan. The panel shall consist of 3 persons who are either  
7 designated by an independent agency that has been approved by the chief judge of  
8 the judicial administrative district or designated by the agency that prepared the  
9 permanency plan. A voting majority of persons on each panel shall be persons who  
10 are not employed by the agency that prepared the permanency plan and who are not  
11 responsible for providing services to the juvenile or the parents of the juvenile whose  
12 permanency plan is the subject of the review.

13           \***-0264/4.9\*** SECTION 3909. 938.38 (5) (b) of the statutes is amended to read:

14           938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,  
15 the juvenile if he or she is 10 years of age or older, and the juvenile's foster parent,  
16 the juvenile's treatment foster parent ~~or~~, the operator of the facility in which the  
17 juvenile is living, or the relative with whom the juvenile is living of the date, time,  
18 and place of the review, of the issues to be determined as part of the review, and of  
19 the fact that they may have an opportunity to be heard at the review by submitting  
20 written comments not less than 10 working days before the review or by  
21 participating at the review. The court or agency shall notify the person representing  
22 the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem  
23 of the date of the review, of the issues to be determined as part of the review, and of  
24 the fact that they may submit written comments not less than 10 working days before  
25 the review. The notices under this paragraph shall be provided in writing not less

1 than 30 days before the review and copies of the notices shall be filed in the juvenile's  
2 case record.

3 **\*-2174/2.5\* SECTION 3910.** 938.532 (title) of the statutes is repealed.

4 **\*-2174/2.6\* SECTION 3911.** 938.532 (1) of the statutes is amended to read:

5 938.532 (1) PROGRAM. From the ~~appropriations~~ appropriation under s. 20.410  
6 (3) ~~(bb) and~~ (hm), the department shall provide a juvenile boot camp program for  
7 juveniles who have been placed under the supervision of the department under s.  
8 938.183, 938.34 (4h) or (4m), or 938.357 (4).

9 **\*-2174/2.7\* SECTION 3912.** 938.532 (1) of the statutes, as affected by 2001  
10 Wisconsin Act .... (this act), is repealed.

11 **\*-2174/2.8\* SECTION 3913.** 938.532 (2) of the statutes is repealed.

12 **\*-2174/2.9\* SECTION 3914.** 938.532 (3) of the statutes is repealed.

13 **\*-0452/1.1\* SECTION 3915.** 938.533 (2) of the statutes is amended to read:

14 938.533 (2) CORRECTIVE SANCTIONS PROGRAM. From the appropriation under s.  
15 20.410 (3) (hr), the department shall provide a corrective sanctions program to serve  
16 an average daily population of 136 juveniles, or an average daily population of more  
17 than 136 juveniles if the appropriation under s. 20.410 (3) (hr) is supplemented  
18 under s. 13.101 or 16.515 and the positions for the program are increased under s.  
19 13.101 or 16.505 (2) or if funding and positions to serve more than that average daily  
20 population are otherwise available, in not less than 3 counties, including Milwaukee  
21 County. The office of juvenile offender review in the department shall evaluate and  
22 select for participation in the program juveniles who have been placed under the  
23 supervision of the department under s. 938.183, 938.34 (4h) or (4m), or 938.357 (4).  
24 The department shall place a program participant in the community, provide  
25 intensive surveillance of that participant, and provide an average of not more than

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1 \$3,000 per year per slot to purchase community-based treatment services for each  
2 participant. The department shall make the intensive surveillance required under  
3 this subsection available 24 hours a day, 7 days a week, and may purchase or provide  
4 electronic monitoring for the intensive surveillance of program participants. The  
5 department shall provide a report center in Milwaukee County to provide on-site  
6 programming after school and in the evening for juveniles from Milwaukee County  
7 who are placed in the corrective sanctions program. A contact worker providing  
8 services under the program shall have a case load of approximately 10 juveniles and,  
9 during the initial phase of placement in the community under the program of a  
10 juvenile who is assigned to that contact worker, shall have not less than one  
11 face-to-face contact per day with that juvenile. Case management services under  
12 the program shall be provided by a corrective sanctions agent who shall have a case  
13 load of approximately 15 juveniles. The department shall promulgate rules to  
14 implement the program.

15 \*~~0446/2.10~~\* **SECTION 3916.** 938.533 (3) (a) of the statutes is amended to read:

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

1 sanctions program from being taken into and held in custody under ss. 938.19 to  
2 938.21.

3 \***-0446/2.11\* SECTION 3917.** 938.534 (1) (b) 3m. of the statutes is created to  
4 read:

5 938.534 (1) (b) 3m. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile  
6 who has violated a condition of the juvenile's participation in the program from being  
7 taken into and held in custody under ss. 938.19 to 938.21.

8 \***-0448/3.3\* SECTION 3918.** 938.538 (3) (a) 1. of the statutes is amended to read:

9 938.538 (3) (a) 1. Subject to subd. 1m., placement in a Type 1 secured  
10 correctional facility, or a secured child caring institution ~~or, if the participant is 17~~  
11 ~~years of age or over or 15 years of age or over and transferred under s. 938.357 (4)~~  
12 ~~(d), a Type 1 prison, as defined in s. 301.01 (5), for a period of not more than 3 years,~~  
13 unless that period is extended under sub. (4m) (a) 1. or 2. or both.

\*\*\*\*NOTE: This is reconciled s. 938.538 (3) (a) 1. This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0448/2 and LRB-0447/2.

14 \***-0447/3.9\* SECTION 3919.** 938.538 (3) (a) 1m. of the statutes is amended to  
15 read:

16 938.538 (3) (a) 1m. If the participant has been adjudicated delinquent for  
17 committing an act that would be a Class A felony if committed by an adult, placement  
18 in a Type 1 secured correctional facility, or a secured child caring institution ~~or, if the~~  
19 ~~participant is 17 years of age or over or 15 years of age or over and transferred under~~  
20 ~~s. 938.357 (4) (d), a Type 1 prison, as defined in s. 301.01 (5), until the participant~~  
21 reaches 25 years of age, unless the participant is released sooner, subject to a  
22 mandatory minimum period of confinement of not less than one year.

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1           \*~~0447/3.10~~\* **SECTION 3920.** 938.538 (3) (a) 2. of the statutes is amended to  
2 read:

3           938.538 (3) (a) 2. Intensive or other field supervision, including corrective  
4 sanctions supervision under s. 938.533, or aftercare supervision ~~or, if the participant~~  
5 ~~is 17 years of age or over, intensive sanctions supervision under s. 301.048.~~

6           \*~~0448/3.4~~\* **SECTION 3921.** 938.538 (3) (b) of the statutes is amended to read:

7           938.538 (3) (b) The department may provide the sanctions under par. (a) in any  
8 order, may provide more than one sanction at a time and, may return a participant  
9 to a sanction that was used previously for ~~a~~ the participant, and, in returning a  
10 participant to the sanction provided in par. (a) 1., may extend the period specified in  
11 par. (a) 1. as provided in sub. (4m) (a) 1. or petition the court to extend that period  
12 as provided in sub. (4m) (a) 2., or both. Notwithstanding ss. 938.357, 938.363, and  
13 938.533 (3), but subject to sub. (4m) (a) 2., a participant is not entitled to a hearing  
14 regarding the department's exercise of authority under this subsection unless the  
15 department provides for a hearing by rule.

16           \*~~0447/3.11~~\* **SECTION 3922.** 938.538 (4) (a) of the statutes is amended to read:

17           938.538 (4) (a) A participant in the serious juvenile offender program is under  
18 the supervision and control of the department, is subject to the rules and discipline  
19 of the department, and is considered to be in custody, as defined in s. 946.42 (1) (a).  
20 Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition of his or  
21 her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2  
22 secured correctional facility the department may, without a hearing, take the  
23 participant into custody and return him or her to placement in a Type 1 secured  
24 correctional facility, or a secured child caring institution ~~or, if the participant is 17~~  
25 ~~years of age or over, a Type 1 prison, as defined in s. 301.01 (5).~~ Any intentional

1 failure of a participant to remain within the extended limits of his or her placement  
2 while participating in the serious juvenile offender program ~~or to return within the~~  
3 ~~time prescribed by the administrator of the division of intensive sanctions in the~~  
4 ~~department~~ is considered an escape under s. 946.42 (3) (c).

5 \***-0446/2.12\*** SECTION 3923. 938.538 (4) (a) of the statutes, as affected by 2001  
6 Wisconsin Act ... (this act), is amended to read:

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

\*\*\*NOTE: This is reconciled s. 938.538 (4) (a). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0446/1 and LRB-0447/2.

20 \***-0448/3.5\*** SECTION 3924. 938.538 (4m) of the statutes is created to read:

21 938.538 (4m) EXTENSION OF TYPE 1 PLACEMENT PERIOD. (a) 1. The department  
22 may extend the period for which a participant may be placed as described in sub. (3)  
23 (a) 1. for an additional period of not more than 30 days. A participant is not entitled

1 to a hearing regarding the department's exercise of authority under this subdivision  
2 unless the department provides for a hearing by rule.

3 2. The department or the district attorney of the county in which the  
4 dispositional order was entered may petition the court to extend the period for which  
5 a participant may be placed as described in sub. (3) (a) 1. for an additional period of  
6 not more than 2 years. The petition shall set forth in detail facts showing that the  
7 participant is in need of the supervision, care, and rehabilitation that a placement  
8 described in sub. (3) (a) 1. provides and that public safety considerations require that  
9 the participant be placed in that placement. The court shall hold a hearing on the  
10 petition, unless written waivers of objection to the extension are signed by all parties  
11 entitled to receive notice and the court approves. If a hearing is held, the court shall  
12 provide notice of the hearing, together with a copy of the petition, to the participant,  
13 the participant's parent, guardian, and legal custodian, all parties bound by the  
14 dispositional order, and the district attorney of the county in which the dispositional  
15 order was entered at least 3 days prior to the hearing and, at the hearing, any of those  
16 persons may present evidence relevant to the issue of extension and make  
17 alternative placement recommendations. If the court finds by a preponderance of the  
18 evidence that the participant is in need of the supervision, care, and rehabilitation  
19 that a placement described in sub. (3) (a) 1. provides and that public safety  
20 considerations require that the participant be placed in that placement, the court  
21 may extend the period for which the participant may be placed as described in sub  
22 (3) (a) 1. for an additional period of not more than 2 years.

23 3. An extension of a participant's placement under subd. 1. does not preclude  
24 an extension of that participant's placement under subd. 2., and vice versa.



1 (b) By the first day of the 2nd month beginning after the effective date of this  
2 paragraph .... [revisor inserts date], the department shall provide notice to all  
3 participants in the serious juvenile offender program that a placement under sub.  
4 (3) (a) 1. may be extended under par. (a) 1. or 2. or both. Notwithstanding par. (a) 1.  
5 and 2. and sub. (3) (a) 1., the department may not extend, or petition the court to  
6 extend, the placement under sub. (3) (a) 1. of a juvenile who is a participant in the  
7 serious juvenile offender program on the effective date of this paragraph .... [revisor  
8 inserts date], based on acts committed by that participant prior to the date on which  
9 the notice under this paragraph is given to that participant.

10 \***-0447/3.12\*** SECTION 3925. 938.538 (5) (c) of the statutes is amended to read:

11 938.538 (5) (c) Sections 938.357 and 938.363 do not apply to changes of  
12 placement and revisions of orders for a juvenile who is a participant in the serious  
13 juvenile offender program, ~~except that s. 938.357 (4) (d) applies to the transfer of a~~  
14 ~~participant to the Racine youthful offender correctional facility named in s. 302.01.~~

15 \***-0447/3.13\*** SECTION 3926. 938.538 (6) of the statutes is amended to read:

16 938.538 (6) PURCHASE OF SERVICES. The department of corrections may contract  
17 with the department of health and family services, a county department, or any  
18 public or private agency for the purchase of goods, care, and services for participants  
19 in the serious juvenile offender program. The department of corrections shall  
20 reimburse a person from whom it purchases goods, care, or services under this  
21 subsection from the appropriation under s. 20.410 (3) (cg) ~~or, if the person for whom~~  
22 ~~the goods, care or services are purchased is placed in a Type 1 prison, as defined s.~~  
23 ~~301.01 (5), or is under intensive sanctions supervision under s. 301.048, from the~~  
24 ~~appropriate appropriation under s. 20.410 (1).~~

25 \***-0446/2.13\*** SECTION 3927. 938.539 (3) of the statutes is amended to read:

**SECTION 3927**

1           938.539 (3) Notwithstanding ss. 938.19 to 938.21, if a juvenile placed in a  
2 Type 2 child caring institution under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2  
3 secured correctional facility under s. 938.357 (4) (a) or (c) violates a condition of his  
4 or her placement in the Type 2 child caring institution or Type 2 secured correctional  
5 facility, the juvenile may be placed in a Type 1 secured correctional facility as  
6 provided in s. 938.357 (4) (b). This subsection does not preclude a juvenile who has  
7 violated a condition of the juvenile's placement in a Type 2 secured correctional  
8 facility or a Type 2 child caring institution from being taken into and held in custody  
9 under ss. 938.19 to 938.21.

10           \***-0441/6.50\*** SECTION 3928. 938.57 (1) (c) of the statutes is amended to read:

11           938.57 (1) (c) Provide appropriate protection and services for juveniles in its  
12 care, including providing services for juveniles and their families in their own homes,  
13 placing the juveniles in licensed foster homes, licensed treatment foster homes, or  
14 licensed group homes in this state or another state within a reasonable proximity to  
15 the agency with legal custody, placing the juveniles in the homes of the juveniles'  
16 guardians under s. 48.977 (2), or contracting for services for them by licensed child  
17 welfare agencies or replacing them in secured correctional facilities, secured child  
18 caring institutions, or secured group homes in accordance with rules promulgated  
19 under ch. 227, except that the county department may not purchase the educational  
20 component of private day treatment programs unless the county department, the  
21 school board, as defined in s. 115.001 (7), and the state superintendent of public  
22 instruction all determine that an appropriate public education program is not  
23 available. Disputes between the county department and the school district shall be  
24 resolved by the state superintendent of public instruction.

25           \***-0441/6.51\*** SECTION 3929. 938.57 (3) (a) 4. of the statutes is amended to read:

1 938.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home,  
2 or child caring institution or in the home of a subsidized guardian under s. 48.62 (5).

3 **\*-0447/3.14\* SECTION 3930.** 938.992 (3) of the statutes is amended to read:

4 938.992 (3). Notwithstanding s. 938.991 (3) (b), "delinquent juvenile" does not  
5 include a person subject to an order under s. 48.366 who is confined to a state prison  
6 under s. 302.01 ~~or a person subject to an order under s. 938.34 (4h) who is 17 years~~  
7 ~~of age or over.~~

8 **\*-1855/2.32\* SECTION 3931.** 939.32 (1) (title) of the statutes is created to read:

9 939.32 (1) (title) GENERALLY.

10 **\*-1855/2.33\* SECTION 3932.** 939.32 (1m) of the statutes is created to read:

11 939.32 (1m) BIFURCATED SENTENCES. (a) Subject to s. 973.01 (2) (d), if the court  
12 imposes a bifurcated sentence under s. 973.01 (1) for an attempt to commit a crime  
13 that is punishable under sub. (1) (intro.), the following requirements apply:

14 1. If the completed crime is a classified felony, the maximum term of  
15 confinement in prison is one-half of the maximum term of confinement in prison for  
16 the classified felony.

17 2. If the completed crime is not a classified felony, the maximum term of  
18 confinement is 75% of the maximum term of imprisonment under sub. (1) (intro.) for  
19 an attempt to commit the crime.

20 (b) Subject to s. 973.01 (2) (d), the maximum term of confinement in prison  
21 specified under par. (a) may be increased under s. 939.62 (1) or 961.48. If the  
22 maximum term of confinement in prison specified in par. (a) is increased under this  
23 paragraph, the maximum term of imprisonment under sub. (1) is increased by the  
24 same amount.

25 **\*-1855/2.34\* SECTION 3933.** 939.32 (2) (title) of the statutes is created to read:

1 939.32 (2) (title) MISDEMEANOR COMPUTER CRIMES.

2 \*-1855/2.35\* SECTION 3934. 939.32 (3) (title) of the statutes is created to read:

3 939.32 (3) (title) REQUIREMENTS.

4 \*-1617/P3.3\* SECTION 3935. 939.74 (1) of the statutes is amended to read:

5 939.74 (1) Except as provided in ~~sub.~~ subs. (2), and (2d) and s. 946.88 (1),  
6 prosecution for a felony must be commenced within 6 years and prosecution for a  
7 misdemeanor or for adultery within 3 years after the commission thereof. Within the  
8 meaning of this section, a prosecution has commenced when a warrant or summons  
9 is issued, an indictment is found, or an information is filed.

10 \*-1617/P3.4\* SECTION 3936. 939.74 (2) (c) of the statutes is amended to read:

11 939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a),  
12 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.08, or 948.095 shall be commenced  
13 before the victim reaches the age of 31 years or be barred, except as provided in sub.  
14 (2d) (c).

15 \*-1617/P3.5\* SECTION 3937. 939.74 (2d) of the statutes is created to read:

16 939.74 (2d) (a) In this subsection, "deoxyribonucleic acid profile" means any  
17 analysis of deoxyribonucleic acid that results in the identification of an individual's  
18 patterned chemical structure of genetic information.

19 (b) If the state has evidence of a deoxyribonucleic acid profile of a person who  
20 committed a violation of s. 940.225 (1) or (2), the evidence was collected before the  
21 time limitation under sub. (1) expired, and comparisons of the evidence to  
22 deoxyribonucleic acid profiles of known persons made before the time limitation  
23 expired did not result in a probable identification of the person, the state may  
24 commence prosecution of the person within 12 months after comparison of the

1 deoxyribonucleic evidence relating to the violation results in a probable  
2 identification of the person.

3 (c) If the state has evidence of a deoxyribonucleic acid profile of a person who  
4 committed a violation of s. 948.02 (1) or (2) or 948.025, the evidence was collected  
5 before the time limitation under sub. (2) (c) expired, and comparisons of the evidence  
6 to deoxyribonucleic acid profiles of known persons made before the time limits  
7 expired did not result in a probable identification of the person, the state may  
8 commence prosecution of the person within 12 months after comparison of the  
9 deoxyribonucleic evidence relating to the violation results in a probable  
10 identification of the person.

11 **\*-2056/1.7\* SECTION 3938.** 940.09 (1d) (a) of the statutes, as created by 1999  
12 Wisconsin Act 109, is amended to read:

13 940.09 (1d) (a) If a person who committed an offense under sub. (1) (a), (b), (c)  
14 or (d) has one or more prior convictions, suspensions or revocations, counting  
15 convictions under this section and s. 940.09 (1) in the person's lifetime plus other  
16 convictions, suspensions or revocations counted under s. 343.307 (1), the procedure  
17 under s. 343.301 shall be followed ~~if the court orders the the equipping of a motor~~  
18 ~~vehicle owned by the person with an ignition interlock device or the immobilization~~  
19 ~~of the motor vehicle.~~

20 **\*-2056/1.8\* SECTION 3939.** 940.25 (1d) (a) of the statutes, as affected by 1999  
21 Wisconsin Act 186, is amended to read:

22 940.25 (1d) (a) If a person who committed an offense under sub. (1) (a), (b), (c)  
23 or (d) has one or more prior convictions, suspensions or revocations, counting  
24 convictions under this section and s. 940.09 (1) in the person's lifetime plus other  
25 convictions, suspensions or revocations counted under s. 343.307 (1), the procedure

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1 under s. 343.301 shall be followed ~~if the court orders the equipping of a motor vehicle~~  
2 ~~owned by the person with an ignition interlock device or the immobilization of the~~  
3 ~~motor vehicle.~~

4 **\*-0857/1.1\* SECTION 3940.** 943.20 (1) (e) of the statutes is amended to read:

5 943.20 (1) (e) Intentionally fails to return any personal property which is in his  
6 or her possession or under his or her control by virtue of a written lease or written  
7 rental agreement, ~~within 10 days after the lease or rental agreement has expired.~~  
8 This paragraph does not apply to a person who returns personal property, except a  
9 motor vehicle, which is in his or her possession or under his or her control by virtue  
10 of a written lease or written rental agreement, within 10 days after the lease or rental  
11 agreement expires.

12 **\*-0795/2.1\* SECTION 3941.** 943.70 (1) (a) of the statutes is renumbered 943.70  
13 (1) (am).

14 **\*-0795/2.2\* SECTION 3942.** 943.70 (1) (ag) of the statutes is created to read:

15 943.70 (1) (ag) "Access" means to instruct, communicate with, interact with,  
16 intercept, store data in, retrieve data from, or otherwise use the resources of.

17 **\*-0795/2.3\* SECTION 3943.** 943.70 (1) (gm) of the statutes is created to read:

18 943.70 (1) (gm) "Interruption in service" means inability to access a computer,  
19 computer program, computer system, or computer network, or an inability to  
20 complete a transaction involving a computer.

21 **\*-0795/2.4\* SECTION 3944.** 943.70 (2) (a) (intro.) of the statutes is amended to  
22 read:

23 943.70 (2) (a) (intro.) Whoever ~~wilfully~~ willfully, knowingly and without  
24 authorization does any of the following may be penalized as provided in ~~par.~~ pars. (b)  
25 and (c):