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1           (7) INCENTIVES FOR TIER II. (a) The department shall issue a numbered  
2 certificate of recognition to each participant in tier II of the green tier program.

3           (b) The department shall identify each participant in tier II of the green tier  
4 program on an Internet site maintained by the department.

5           (c) The department shall annually provide notice of the participation of each  
6 participant in tier II of the green tier program to newspapers in the area in which  
7 each covered facility or activity is located.

8           (d) A participant in tier II of the green tier program may use a green tier logo  
9 selected by the department on written materials produced by the participant.

10          (e) The department shall assign an employee of the department to serve as the  
11 contact with the department for a participant in tier II of the green tier program for  
12 any approvals that the participant is required to obtain and for technical assistance.

13          (f) After a participant in tier II of the green tier program implements an  
14 environmental management system that complies with sub. (5) (d) 1., the  
15 department shall conduct any inspections of the participant's covered facilities or  
16 activities that are required under chs. 280 to 295 at the lowest frequency permitted  
17 under those chapters, except that the department may conduct an inspection  
18 whenever it has reason to believe that a participant is out of compliance with a  
19 requirement in an approval.

20          (8) ELIGIBILITY FOR TIER III. (a) *General.* An applicant is eligible for tier III of  
21 the green tier program if the applicant satisfies the requirements in pars. (b) to (d).  
22 If an applicant consists of a group of public or private entities, each requirement in  
23 pars. (b) to (d) applies to each entity in the group.

24          (b) *Enforcement record.* To be eligible to participate in tier III of the green tier  
25 program, an applicant shall demonstrate all of the following:

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1           1. That, within 120 months before the date of application, no judgment of  
2 conviction was entered against the applicant, any managing operator of the  
3 applicant, or any person with a 25% or more ownership interest in the applicant for  
4 a criminal violation involving a covered facility or activity that resulted in  
5 substantial harm to public health or the environment or that presented an imminent  
6 threat to public health or the environment.

7           2. That, within 60 months before the date of application, no civil judgment was  
8 entered against the applicant, any managing operator of the applicant, or any person  
9 with a 25% or more ownership interest in the applicant for a violation involving a  
10 covered facility or activity that resulted in substantial harm to public health or the  
11 environment.

12           3. That, within 24 months before the date of application, the department of  
13 justice has not filed a suit to enforce an environmental requirement, and the  
14 department of natural resources has not issued a citation to enforce an  
15 environmental requirement, because of a violation involving a covered facility or  
16 activity.

17           (c) *Environmental management system.* To be eligible to participate in tier III  
18 of the green tier program, an applicant shall do all of the following:

19           1. Demonstrate that it has implemented for each covered facility or activity, an  
20 environmental management system that is all of the following:

21           a. Based on the standards for environmental management systems issued by  
22 the International Organization for Standardization or determined by the  
23 department to be functionally equivalent to an environmental management system  
24 that is based on those standards.

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1           b. Determined by the department to be appropriate to the nature, scale, and  
2 environmental impacts of the applicant's operations related to each covered facility  
3 or activity.

4           2. Commit itself to having an outside environmental auditor approved by the  
5 department conduct an annual environmental management system audit and to  
6 submitting an annual report on the environmental management system audit to the  
7 department.

8           3. Commit itself to annually conducting, or having an outside environmental  
9 auditor conduct, an audit of compliance with environmental requirements that are  
10 applicable to the covered facilities or activities and to submitting the results of the  
11 audit to the department.

12           (d) *Superior environmental performance.* To be eligible to participate in tier III  
13 of the green tier program, an applicant shall demonstrate a record of superior  
14 environmental performance, and describe the measures that it proposes to take to  
15 maintain and improve its superior environmental performance.

16           (9) PROCESS FOR TIER III. (a) *Letter of intent.* To apply for participation in tier  
17 III of the green tier program, an entity shall submit a letter of intent to the  
18 department. In addition to providing information necessary to show that the  
19 applicant satisfies the requirements in sub. (8), the applicant shall do all of the  
20 following in the letter of intent:

21           1. Describe the involvement of interested persons in developing the proposal  
22 for maintaining or improving the applicant's superior environmental performance,  
23 identify the interested persons, and describe the interests that those persons have  
24 in the applicant's participation in the green tier program.

25           2. Outline the provisions that it proposes to include in the green tier contract.

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1           (b) *Limitation.* The department may limit the number of letters of intent that  
2 it processes based on the staff resources available.

3           (c) *Notice.* When the department decides to process a letter of intent, the  
4 department shall provide public notice about the letter of intent in the area in which  
5 each covered facility or activity is located or performed.

6           (d) *Public meeting.* After providing public notice under par. (c) about a letter  
7 of intent, the department may hold a public informational meeting on the letter of  
8 intent.

9           (e) *Request to participate.* Within 30 days after the public notice under par. (c),  
10 interested persons may request that the department grant authorization to  
11 participate in the negotiations under par. (f). A person who makes a request under  
12 this paragraph shall describe the person's interests in the issues raised by the letter  
13 of intent. The department shall determine whether a person who makes a request  
14 under this paragraph may participate in the negotiations under par. (f) based on  
15 whether the person has demonstrated sufficient interest in the issues raised by the  
16 letter of intent to warrant that participation.

17           (f) *Negotiations.* If the department determines that an applicant satisfies the  
18 requirements in sub. (8), the department may begin negotiations concerning a green  
19 tier contract with the applicant and with any persons to whom the department  
20 granted permission under par. (e). The department may begin the negotiations no  
21 sooner than 30 days after providing public notice under par. (c) about the applicant's  
22 letter of intent.

23           (g) *Termination of negotiations.* The department may terminate negotiations  
24 with an applicant concerning a green tier contract and the decision to terminate  
25 negotiations is not subject to review under ch. 227.

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1           (h) *Notice of proposed contract.* If negotiations under par. (f) result in a  
2 proposed green tier contract, the department shall provide public notice about the  
3 proposed green tier contract in the area in which each covered facility or activity is  
4 located or performed.

5           (i) *Meeting on proposed contract.* After providing public notice under par. (h)  
6 about a proposed green tier contract, the department may hold a public  
7 informational meeting on the proposed green tier contract.

8           (j) *Green tier contract.* Within 30 days after providing notice under par. (h) or,  
9 if the department holds a public informational meeting under par. (i), within 30 days  
10 after that meeting, the department shall decide whether to enter into a green tier  
11 contract with an applicant. In a green tier contract, the department shall require  
12 that the participant maintain the environmental management system described in  
13 sub. (8) (c) 1. and abide by the commitments in sub. (8) (c) 2. and 3. The department  
14 may not provide reduced inspections or monitoring as an incentive in a green tier  
15 contract if the audit under sub. (8) (c) 3. is conducted by the participant. The  
16 department shall ensure that the incentives provided under a green tier contract are  
17 proportional to the environmental benefits that will be provided by the participant  
18 under the green tier contract. The department shall include in a green tier contract  
19 remedies that apply if a party to the contract fails to comply with the contract. The  
20 term of a green tier contract may not exceed 5 years, with opportunity for renewal  
21 upon agreement of the parties for additional terms not to exceed 5 years for each  
22 renewal.

23           (k) *Review of decision.* Notwithstanding s. 227.42, there is no right to an  
24 administrative hearing on the department's decision to enter into a contract under  
25 par. (j), but the decision is subject to judicial review.

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1           **(10) SUSPENSION OR TERMINATION OF PARTICIPATION.** (a) The department may  
2 suspend or revoke the participation of a participant in the green tier program at the  
3 request of the participant.

4           (b) The department may terminate the participation of a participant in the  
5 green tier program if a judgment is entered against the participant, any managing  
6 operator of the participant, or any person with a 25% or more ownership interest in  
7 the participant for a criminal or civil violation involving a covered facility or activity  
8 that resulted in substantial harm to public health or the environment or that  
9 presented an imminent threat to public health or the environment.

10           (c) The department may suspend the participation of a participant in the green  
11 tier program if the department determines that the participant, any managing  
12 operator of the participant, or any person with a 25% or more ownership interest in  
13 the participant committed a criminal or civil violation involving a covered facility or  
14 activity that resulted in substantial harm to public health or the environment or that  
15 presented an imminent threat to public health or the environment and the  
16 department refers the matter to the department of justice for prosecution.

17           (d) The department may suspend or revoke the participation of a green tier  
18 participant in tier II of the green tier program if the participant does not implement,  
19 or fails to maintain, the environmental management system described in sub. (5) (d)  
20 1., fails to conduct annual audits described in sub. (5) (d) 4., or fails to submit annual  
21 reports described in sub. (5) (d) 5.

22           (e) The department may, after an opportunity for a hearing, terminate a green  
23 tier contract if the department determines that the participant is in substantial  
24 noncompliance with the green tier contract.

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1 (f) A person who is not a party to a green tier contract, but who believes that  
2 a participant is in substantial noncompliance with a green tier contract, may ask the  
3 department to terminate a green tier contract under par. (e).

4 **(10m) ENVIRONMENTAL AUDITORS.** The department may not approve an  
5 environmental auditor for the purposes of sub. (5) (d) 4. or (8) (c) 2. unless the  
6 environmental auditor is certified by the Registrar Accreditation Board of the  
7 American National Standards Institute or meets criteria concerning education,  
8 training, experience, and performance that are specified by the department.

9 **(11) ACCESS TO RECORDS.** (a) Except as provided in par. (c), the department shall  
10 make any record, report, or other information obtained in the administration of this  
11 section available to the public.

12 (c) The department shall keep confidential any part of a record, report, or other  
13 information obtained in the administration of this section, other than emission data  
14 or discharge data, upon a showing satisfactory to the department by any person that  
15 the part of a record, report, or other information would, if made public, divulge a  
16 method or process that is entitled to protection as a trade secret, as defined in s.  
17 134.90 (1) (c), of that person.

18 (d) If the department refuses to release information on the grounds that it is  
19 confidential under par. (c) and a person challenges that refusal, the department shall  
20 inform the affected regulated entity of that challenge. Unless the regulated entity  
21 authorizes the department to release the information, the regulated entity shall pay  
22 the reasonable costs incurred by this state to defend the refusal to release the  
23 information.

24 (e) Paragraph (c) does not prevent the disclosure of any information to a  
25 representative of the department for the purpose of administering this section or to

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1 an officer, employee, or authorized representative of the federal government for the  
2 purpose of administering federal law. When the department provides information  
3 that is confidential under par. (c) to the federal government, the department shall  
4 also provide a copy of the application for confidential status.

5 (12) POWERS AND DUTIES OF THE DEPARTMENT. (a) To facilitate the process under  
6 sub. (9), the department shall develop model terms that may be used in green tier  
7 contracts.

8 (b) After consultations with interested persons, the department shall annually  
9 establish a list identifying aspects of superior environmental performance that the  
10 department will use to identify which letters of intent it will process under sub. (9)  
11 in the following year and the order in which it will process the letters of intent.

12 (c) The department may promulgate rules for the administration of the green  
13 tier program. In the rules, the department may specify incentives, that are  
14 consistent with federal laws and other state laws, that the department may provide  
15 to participants in tier III of the green tier program.

16 (d) The department shall encourage small businesses, agricultural  
17 organizations, entities that are not subject to environmental requirements, local  
18 governments, and other entities to form groups to work cooperatively on projects to  
19 achieve superior environmental performance.

20 (dm) The department shall select a logo for the green tier program.

21 (e) The department shall consult with the green tier council about the operation  
22 of the green tier program, priorities for the green tier program, and evaluation of the  
23 green tier program.

24 (f) The department and the department of commerce shall jointly provide  
25 information about environmental management systems to potential participants in



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1 the green tier program and to other interested persons. The department shall  
2 consult with the department of commerce about the administration of the green tier  
3 program.

4 (g) The department shall collect, process, evaluate, and disseminate data  
5 submitted by participants in the green tier program.

6 (h) The department shall submit a progress report on the green tier program  
7 to the legislature, in the manner provided in s. 13.172 (2), no later than the first day  
8 of the 36th month beginning after the effective date of this paragraph .... [revisor  
9 inserts date], and every 2 years after it submits the first report.

10 **(13) PENALTY.** (a) Any person who knowingly makes a false statement in  
11 material submitted under this section shall be fined not less than \$10 nor more than  
12 \$10,000 or imprisoned for not more than 6 months or both.

13 (b) For purposes of this subsection, an act is committed knowingly if it is done  
14 voluntarily and is not the result of negligence, mistake, accident, or circumstances  
15 that are beyond the control of the person.

16 **\*-2174/2.2\* SECTION 3327.** 301.025 of the statutes is amended to read:

17 **301.025 Division of juvenile corrections.** The division of juvenile  
18 corrections shall exercise the powers and perform the duties of the department that  
19 relate to juvenile correctional services and institutions, juvenile offender review,  
20 aftercare, corrective sanctions, ~~the juvenile boot camp program under s. 938.532,~~ the  
21 serious juvenile offender program under s. 938.538, and youth aids.

22 **\*-2142/4.1\* SECTION 3328.** 301.03 (3) of the statutes is amended to read:

23 301.03 (3) Administer parole, extended supervision and probation matters,  
24 except that the decision to grant or deny parole to inmates shall be made by the parole  
25 commission and the decision to revoke probation, extended supervision or parole in

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1 cases in which there is no waiver of the right to a hearing shall be made by the  
2 division of hearings and appeals in the department of administration. The secretary  
3 may grant special action parole releases under s. 304.02. The secretary may grant  
4 conditional medical parole under s. 302.11 (2m) or conditional medical extended  
5 supervision under s. 302.113 (2m). The department shall promulgate rules  
6 establishing a drug testing program for probationers, parolees and persons placed  
7 on extended supervision. The rules shall provide for assessment of fees upon  
8 probationers, parolees and persons placed on extended supervision to partially offset  
9 the costs of the program.

10 **\*-0447/3.2\* SECTION 3329.** 301.03 (10) (d) of the statutes is amended to read:

11 301.03 (10) (d) Administer the office of juvenile offender review in the division  
12 of juvenile corrections in the department. The office shall be responsible for decisions  
13 regarding case planning, and the release of juvenile offenders from secured  
14 correctional facilities or secured child caring institutions to aftercare placements  
15 ~~and the transfer of juveniles to the Racine youthful offender correctional facility~~  
16 ~~named in s. 302.01 as provided in s. 938.357 (4) (d).~~

17 **\*-1686/4.97\* SECTION 3330.** 301.031 (2r) (a) 3. of the statutes is amended to  
18 read:

19 301.031 (2r) (a) 3. Is for the treatment of alcoholics in treatment facilities  
20 which have not been approved by the department of health and family services in  
21 accordance with s. ~~51.45 (8)~~ 51.04 (1) or which have not been conditionally approved  
22 by the department of health and family services in accordance with s. 51.04 (3).

23 **\*-1855/2.1\* \*-2889/P3.1\* SECTION 3331.** 301.035 (2) of the statutes is  
24 amended to read:

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1           301.035 (2) Assign hearing examiners from the division to preside over  
2 hearings under ss. 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10 and 975.10  
3 (2) and ch. 304.

4           \***-1855/2.2\*** \***-2889/P3.2\*** **SECTION 3332.** 301.035 (4) of the statutes is  
5 amended to read:

6           301.035 (4) Supervise employes in the conduct of the activities of the division  
7 and be the administrative reviewing authority for decisions of the division under ss.  
8 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10, 973.155 (2) and 975.10 (2) and  
9 ch. 304.

10          \***-0475/3.3\*** **SECTION 3333.** 301.046 (1) of the statutes is amended to read:

11          301.046 (1) INSTITUTION STATUS. The department shall establish and operate  
12 a community residential confinement program as a correctional institution under  
13 the charge of a superintendent. Under the program, the department shall confine  
14 prisoners in their places of residence or other places designated by the department.  
15 The secretary may allocate and reallocate existing and future facilities as part of the  
16 institution. The institution is subject to s. 301.02 and is a state prison ~~as defined in~~  
17 under s. 302.01. Construction or establishment of the institution shall be in  
18 compliance with all state laws except s. 32.035 and ch. 91. In addition to the  
19 exemptions under s. 13.48 (13), construction or establishment of facilities for the  
20 institution are not subject to the ordinances or regulations relating to zoning,  
21 including zoning under ch. 91, of the county and municipality in which the  
22 construction or establishment takes place and are exempt from inspections required  
23 under s. 301.36.

24          \***-0475/3.4\*** **SECTION 3334.** 301.048 (4) (b) of the statutes is amended to read:

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1           301.048 (4) (b) The department shall operate the program as a correctional  
2 institution. The secretary may allocate and reallocate existing and future facilities  
3 as part of the institution. The institution is subject to s. 301.02 and is a state prison  
4 as defined in under s. 302.01. Construction or establishment of the institution shall  
5 be in compliance with all state laws except s. 32.035 and ch. 91. In addition to the  
6 exemptions under s. 13.48 (13), construction or establishment of facilities for the  
7 institution are not subject to the ordinances or regulations relating to zoning,  
8 including zoning under ch. 91, of the county and municipality in which the  
9 construction or establishment takes place and are exempt from inspections required  
10 under s. 301.36.

11           \***-0475/3.5\*** SECTION 3335. 301.13 of the statutes is amended to read:

12           **301.13 Minimum security correctional institutions.** The department  
13 may establish and operate minimum security correctional institutions. The  
14 secretary may allocate and reallocate existing and future facilities as part of these  
15 institutions. The institutions are subject to s. 301.02 and are state prisons as defined  
16 in under s. 302.01. Inmates from Wisconsin state prisons may be transferred to these  
17 institutions and they shall be subject to all laws pertaining to inmates of other penal  
18 institutions of the state. Officers and employees of the institutions shall be subject  
19 to the same laws as pertain to other penal institutions. Inmates shall not be received  
20 on direct commitment from the courts. In addition to the exemptions under s. 13.48  
21 (13), construction or establishment of facilities at institutions which are community  
22 correctional residential centers initially established prior to July 2, 1983, shall not  
23 be subject to the ordinances or regulations relating to zoning, including zoning under  
24 ch. 91, of the county and municipality in which the construction or establishment  
25 takes place. The department shall establish a procedure for soliciting responses from

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1 interested communities and persons regarding potential sites for the institutions  
2 under this section, except the procedure does not apply to the 125-bed community  
3 correctional center in the city of Waupun. The department shall consider locations  
4 proposed under this procedure and may consider any other locations on its own  
5 initiative. The department need not promulgate rules regarding the site  
6 consideration procedures under this section.

7 **\*-0475/3.6\* SECTION 3336.** 301.16 (1s) of the statutes is created to read:

8 301.16 (1s) In addition to the institutions under sub. (1), the department shall  
9 establish a medium security correctional institution that is a part of the correctional  
10 facilities enumerated in 1997 Wisconsin Act 27, section 9107 (1) (b), and that is  
11 located in Redgranite.

12 **\*-0475/3.7\* SECTION 3337.** 301.16 (1t) of the statutes is created to read:

13 301.16 (1t) In addition to the institutions under sub. (1), the department shall  
14 establish a medium security correctional institution that is a part of the correctional  
15 facilities enumerated in 1997 Wisconsin Act 27, section 9107 (1) (b), and that is  
16 located in New Lisbon.

17 **\*-0449/4.1\* SECTION 3338.** 301.26 (4) (b) of the statutes is amended to read:

18 301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on  
19 the basis of the per person per day cost estimate specified in par. (d) 2. ~~to 4.~~ and 3.  
20 Except as provided in pars. (bm), (c), and (cm), liability shall apply to county  
21 departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising  
22 jurisdiction under chs. 48 and 938 for each person receiving services from the  
23 department of corrections under s. 48.366, 938.183, or 938.34 or the department of  
24 health and family services under s. 46.057 or 51.35 (3). Except as provided in pars.  
25 (bm), (c), and (cm), in multicounty court jurisdictions, the county of residency within

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1 the jurisdiction shall be liable for costs under this subsection. Assessment of costs  
2 under par. (a) shall also be made according to the general placement type or level of  
3 care provided, as defined by the department, and prorated according to the ratio of  
4 the amount designated under sub. (3) (c) to the total applicable estimated costs of  
5 care, services, and supplies provided by the department of corrections under ss.  
6 48.366, 938.183, and 938.34 and the department of health and family services under  
7 s. 46.057 or 51.35 (3).

8 **\*-0449/4.2\* SECTION 3339.** 301.26 (4) (cm) 3. of the statutes is amended to read:

9 301.26 (4) (cm) 3. The per person daily reimbursement rate for juvenile  
10 correctional services under this paragraph shall be equal to the per person daily cost  
11 assessment to counties under par. (d) 2. ~~to 4.~~ and 3. for juvenile correctional services.

12 **\*-0449/4.3\* SECTION 3340.** 301.26 (4) (d) 2. of the statutes is amended to read:

13 301.26 (4) (d) 2. Beginning on July 1, ~~1999~~ 2001, and ending on ~~December 31,~~  
14 ~~1999~~ June 30, 2002, the per person daily cost assessment to counties shall be ~~\$153.01~~  
15 \$171.16 for care in a Type 1 secured correctional facility, as defined in s. 938.02 (19),  
16 ~~\$153.01~~ \$171.16 for care for juveniles transferred from a juvenile correctional  
17 institution under s. 51.35 (3), ~~\$183.72 for care in a child caring institution, including~~  
18 ~~a secured child caring institution, \$118.93 for care in a group home for children,~~  
19 ~~\$26.17 for care in a foster home, \$75.37 for care in a treatment foster home, \$72.66~~  
20 \$82.89 for departmental corrective sanctions services, and ~~\$19.76~~ \$23.25 for  
21 departmental aftercare services.

22 **\*-0449/4.4\* SECTION 3341.** 301.26 (4) (d) 3. of the statutes is amended to read:

23 301.26 (4) (d) 3. ~~In calendar year 2000~~ Beginning on July 1, 2002, and ending  
24 on June 30, 2003, the per person daily cost assessment to counties shall be ~~\$153.55~~  
25 \$176.06 for care in a Type 1 secured correctional facility, as defined in s. 938.02 (19),

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1 ~~\$153.55~~ \$176.06 for care for juveniles transferred from a juvenile correctional  
2 institution under s. 51.35 (3), ~~\$187.21 for care in a child caring institution, including~~  
3 ~~a secured child caring institution, \$121.19 for care in a group home for children,~~  
4 ~~\$26.67 for care in a foster home, \$76.80 for care in a treatment foster home, \$74.68~~  
5 \$84.87 for departmental corrective sanctions services, and ~~\$19.15~~ \$23.80 for  
6 departmental aftercare services.

7 **\*-0449/4.5\* SECTION 3342.** 301.26 (4) (d) 4. of the statutes is repealed.

8 **\*-0450/1.1\* SECTION 3343.** 301.26 (7) (intro.) of the statutes is amended to  
9 read:

10 301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability  
11 of federal funds and of the appropriations under s. 20.410 (3) (cd) and (ko), the  
12 department shall allocate funds for community youth and family aids for the period  
13 beginning on July 1, ~~1999~~ 2001, and ending on June 30, ~~2001~~ 2003, as provided in  
14 this subsection to county departments under ss. 46.215, 46.22 and 46.23 as follows:

15 **\*-0450/1.2\* SECTION 3344.** 301.26 (7) (a) (intro.) of the statutes is amended to  
16 read:

17 301.26 (7) (a) (intro.) For community youth and family aids under this section,  
18 amounts not to exceed \$42,091,800 for the last 6 months of ~~1999~~ 2001, \$85,183,700  
19 for ~~2000~~ 2002 and \$43,091,900 for the first 6 months of ~~2001~~ 2003. Of those amounts,  
20 the department shall allocate \$1,000,000 for the last 6 months of ~~1999~~ 2001,  
21 \$3,000,000 for ~~2000~~ 2002 and \$2,000,000 for the first 6 months of ~~2001~~ 2003 to  
22 counties based on each of the following factors weighted equally:

23 **\*-0450/1.3\* SECTION 3345.** 301.26 (7) (e) of the statutes is amended to read:

24 301.26 (7) (e) For emergencies related to community youth and family aids  
25 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~1999~~

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1 2001, \$250,000 for ~~2000~~ 2002 and \$125,000 for the first 6 months of ~~2001~~ 2003. A  
2 county is eligible for payments under this paragraph only if it has a population of not  
3 more than 45,000.

4 **\*-0450/1.4\* SECTION 3346.** 301.26 (7) (h) of the statutes is amended to read:

5 301.26 (7) (h) For counties that are participating in the corrective sanctions  
6 program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~1999~~ 2001,  
7 \$2,124,800 in ~~2000~~ 2002 and \$1,062,400 in the first 6 months of ~~2001~~ 2003 for the  
8 provision of corrective sanctions services for juveniles from that county. In  
9 distributing funds to counties under this paragraph, the department shall determine  
10 a county's distribution by dividing the amount allocated under this paragraph by the  
11 number of slots authorized for the program under s. 938.533 (2) and multiplying the  
12 quotient by the number of slots allocated to that county by agreement between the  
13 department and the county. The department may transfer funds among counties as  
14 necessary to distribute funds based on the number of slots allocated to each county.

15 **\*-0450/1.5\* SECTION 3347.** 301.26 (8) of the statutes is amended to read:

16 301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the  
17 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last  
18 6 months of ~~1999~~ 2001, \$1,333,400 in ~~2000~~ 2002 and \$666,700 in the first 6 months  
19 of ~~2001~~ 2003 for alcohol and other drug abuse treatment programs.

20 **\*-0166/4.9\* SECTION 3348.** 301.265 (title) of the statutes is repealed.

21 **\*-0166/4.10\* SECTION 3349.** 301.265 (1) of the statutes is renumbered 16.964  
22 (8) (a) and amended to read:

23 16.964 (8) (a) From the appropriations under s. ~~20.410 (3) (d) and (kj)~~ 20.505  
24 (6) (a) and (k), the department office shall allocate \$500,000 in each fiscal year to  
25 enter into a contract with an organization to provide services in a county having a



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1 population of 500,000 or more for the diversion of youths from gang activities into  
2 productive activities, including placement in appropriate educational, recreational,  
3 and employment programs. Notwithstanding s. 16.75, the department office may  
4 enter into a contract under this ~~subsection~~ paragraph without soliciting bids or  
5 proposals and without accepting the lowest responsible bid or offer.

6 **\*-0166/4.11\* SECTION 3350.** 301.265 (2) of the statutes is renumbered 16.964  
7 (8) (b) and amended to read:

8 16.964 (8) (b) From the appropriation under s. ~~20.410 (3) (kp)~~ 20.505 (6) (km),  
9 the department office may not distribute more than \$300,000 in each fiscal year to  
10 the organization that it has contracted with under ~~sub. (1) par. (a)~~ for alcohol and  
11 other drug abuse education and treatment services for participants in that  
12 organization's youth diversion program.

13 **\*-0166/4.12\* SECTION 3351.** 301.265 (3) of the statutes is renumbered 16.964  
14 (8) (c) and amended to read:

15 16.964 (8) (c) From the appropriations under s. ~~20.410 (3) (d) and (kj)~~ 20.505  
16 (6) (a) and (k), the department office shall allocate \$150,000 in each fiscal year to  
17 enter into a contract with an organization to provide services in Racine County,  
18 \$150,000 in each fiscal year to enter into a contract with an organization to provide  
19 services in Kenosha County, \$150,000 in each fiscal year to enter into a contract with  
20 an organization that is located in ward 1 in the city of Racine to provide services in  
21 Racine County, and \$150,000 in each fiscal year to enter into a contract with an  
22 organization to provide services in Brown County, for the diversion of youths from  
23 gang activities into productive activities, including placement in appropriate  
24 educational, recreational, and employment programs, and for alcohol or other drug  
25 abuse education and treatment services for participants in that organization's youth

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1 diversion program. The organization that is located in ward 1 in the city of Racine  
2 shall have a recreational facility, shall offer programs to divert youths from gang  
3 activities, may not be affiliated with any national or state association, and may not  
4 have entered into a contract under s. 301.265 (3), 1995 stats. Notwithstanding s.  
5 16.75, the department office may enter into a contract under this ~~subsection~~  
6 paragraph without soliciting bids or proposals and without accepting the lowest  
7 responsible bid or offer.

8 **\*-0475/3.8\* SECTION 3352.** 301.28 (1) of the statutes is amended to read:

9 301.28 (1) In this section, “correctional officer” means any person classified as  
10 a correctional officer employed by the state whose principal duty is the supervision  
11 of inmates at a prison, ~~as defined listed~~ in s. 302.01.

12 **\*-0475/3.9\* SECTION 3353.** 302.01 of the statutes is amended to read:

13 **302.01 State prisons named and defined listed.** The ~~penitentiary~~  
14 correctional institution at Waupun is named “Waupun Correctional Institution”.  
15 The correctional treatment center at Waupun is named “Dodge Correctional  
16 Institution”. The ~~penitentiary~~ correctional institution at Green Bay is named “Green  
17 Bay Correctional Institution”. The medium/maximum ~~penitentiary~~ correctional  
18 institution at Portage is named “Columbia Correctional Institution”. The medium  
19 security institution at Oshkosh is named “Oshkosh Correctional Institution”. The  
20 medium security ~~penitentiary~~ correctional institution near Fox Lake is named “Fox  
21 Lake Correctional Institution”. The ~~penitentiary~~ correctional institution at  
22 Taycheedah is named “Taycheedah Correctional Institution”. The medium security  
23 ~~penitentiary~~ correctional institution at Plymouth is named “Kettle Moraine  
24 Correctional Institution”. The ~~penitentiary~~ correctional institution at the village of  
25 Sturtevant in Racine county is named “Racine Correctional Institution”. The

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1 medium security correctional institution near Black River Falls is named “Jackson  
2 Correctional Institution.” The medium security ~~penitentiary~~ correctional institution  
3 at Racine is named “Racine Youthful Offender Correctional Facility”. The resource  
4 facility at Oshkosh is named “Wisconsin Resource Center”. The institutions named  
5 in this section, the medium security correctional institutions at Redgranite and New  
6 Lisbon, the correctional institutions authorized under s. 301.16 (1n) and (1v), the  
7 correctional institution authorized under 1997 Wisconsin Act 4, section 4 (1) (a), the  
8 correctional institution authorized under s. 301.046 (1), the correctional institution  
9 authorized under s. 301.048 (4) (b), minimum security correctional institutions  
10 authorized under s. 301.13, the probation and parole holding facilities authorized  
11 under s. 301.16 (1q), any correctional institution that has been constructed by a  
12 private person and leased or purchased by the state for use by the department, and  
13 state–local shared correctional facilities, when established under s. 301.14, are state  
14 prisons.

15 \*–1855/2.3\* **SECTION 3354.** 302.045 (3) of the statutes is amended to read:

16 302.045 (3) PAROLE ELIGIBILITY. Except as provided in sub. (4), if the department  
17 determines that an inmate serving a sentence other than one imposed under s.  
18 973.01 has successfully completed the challenge incarceration program, the parole  
19 commission shall parole the inmate for that sentence under s. 304.06, regardless of  
20 the time the inmate has served, ~~unless the person is serving a sentence imposed~~  
21 ~~under s. 973.01.~~ When the parole commission grants parole under this subsection,  
22 it must require the parolee to participate in an intensive supervision program for  
23 drug abusers as a condition of parole.

24 \*–1855/2.4\* **SECTION 3355.** 302.11 (1z) of the statutes is amended to read:

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1           302.11 (1z) An inmate who is sentenced to a term of confinement in prison  
2 under s. 973.01 for a felony that is committed on or after December 31, 1999, or a  
3 misdemeanor committed on or after the effective date of this subsection .... [revisor  
4 inserts date], is not entitled under this section to mandatory release on parole under  
5 ~~this section~~ that sentence.

6           \*-2142/4.2\* **SECTION 3356.** 302.11 (2m) of the statutes is created to read:

7           302.11 (2m) (a) The secretary may release an inmate who is sentenced to the  
8 Wisconsin state prisons for a crime committed before December 31, 1999, other than  
9 a person sentenced to life imprisonment, on a conditional medical parole if all of the  
10 following conditions are met:

11           1. The warden of the correctional institution in which the inmate is confined  
12 makes a request to the secretary that the inmate be released on conditional medical  
13 parole.

14           2. The warden provides the secretary with the inmate's age, offense for which  
15 committed, medical condition, health care needs, security classification, potential  
16 risk for violence, and appropriate level of community supervision and possible  
17 alternative community placements.

18           3. The inmate is seriously ill or terminally ill and the secretary determines that  
19 the release of the inmate would not pose a risk of harm to any person.

20           4. The secretary determines that the inmate's health care costs are likely to be  
21 paid by the federal medicare program, a veteran's program, medical assistance, or  
22 another federal or state medical program, or by the inmate.

23           5. The department complies with par. (d).

24           (b) An offender's conditional medical parole may be revoked if the offender  
25 violates any condition or rule of the conditional medical parole.

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1 (c) The department shall promulgate rules for the conditional medical parole  
2 program, including eligibility criteria, procedures for the secretary to use in deciding  
3 whether to grant a prisoner a conditional medical parole, procedures to follow when  
4 revoking a conditional medical parole, and conditions of the conditional medical  
5 parole.

6 (d) The department shall follow the procedures for notification under s.  
7 304.063.

8 **\*-1855/2.5\* SECTION 3357.** 302.11 (3) of the statutes is amended to read:

9 302.11 (3) All consecutive sentences imposed for crimes committed before  
10 December 31, 1999, shall be computed as one continuous sentence.

11 **\*-2142/4.3\* SECTION 3358.** 302.11 (6) of the statutes is amended to read:

12 302.11 (6) Any inmate released on parole under sub. (1) ~~or~~, (1g) (b), or (2m) or  
13 s. 304.02 or 304.06 (1) is subject to all conditions and rules of parole until the  
14 expiration of the sentence or until he or she is discharged by the department. Except  
15 as provided in ch. 304, releases from prison shall be on the Tuesday or Wednesday  
16 preceding the release date. The department may discharge a parolee on or after his  
17 or her mandatory release date or after 2 years of supervision. Any inmate sentenced  
18 to the intensive sanctions program who is released on parole under sub. (1) or (2m)  
19 or s. 304.02 or 304.06 (1) remains in the program unless discharged by the  
20 department under s. 301.048 (6) (a).

21 **\*-1855/2.6\* SECTION 3359.** 302.11 (7) (a) of the statutes is renumbered 302.11

22 (7) (am) and amended to read:

23 302.11 (7) (am) ~~The division of hearings and appeals in the department of~~  
24 ~~administration, upon proper notice and hearing, or the department of corrections, if~~  
25 ~~the parolee waives a hearing,~~ reviewing authority may return a parolee released

**SENATE BILL 55****SECTION 3359**

1 under sub. (1) ~~or~~, (1g) (b), or (2m) or s. 304.02 or 304.06 (1) to prison for a period up  
2 to the remainder of the sentence for a violation of the conditions of parole. The  
3 remainder of the sentence is the entire sentence, less time served in custody prior to  
4 parole. The revocation order shall provide the parolee with credit in accordance with  
5 ss. 304.072 and 973.155.

\*\*\*\*NOTE: This is reconciled s. 302.11 (7) (am). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-1855 and LRB-2142.

6 **\*-1855/2.7\* SECTION 3360.** 302.11 (7) (ag) of the statutes is created to read:  
7 302.11 (7) (ag) In this subsection “reviewing authority” means the division of  
8 hearings and appeals in the department of administration, upon proper notice and  
9 hearing, or the department of corrections, if the parolee waives a hearing.

10 **\*-1855/2.8\* SECTION 3361.** 302.11 (7) (b) of the statutes is amended to read:  
11 302.11 (7) (b) A parolee returned to prison for violation of the conditions of  
12 parole shall be incarcerated for the entire period of time determined by the  
13 ~~department of corrections in the case of a waiver or the division of hearings and~~  
14 ~~appeals in the department of administration in the case of a hearing under par. (a),~~  
15 rcvieving authority unless paroled earlier under par. (c). The parolee is not subject  
16 to mandatory release under sub. (1) or presumptive mandatory release under sub.  
17 (1g). The period of time determined under par. ~~(a)~~ (am) may be extended in  
18 accordance with subs. (1q) and (2).

19 **\*-2142/4.4\* SECTION 3362.** 302.11 (7) (c) of the statutes is amended to read:  
20 302.11 (7) (c) The parole commission may subsequently parole, under s. 304.06  
21 (1), and the department may subsequently parole, under sub. (2m) or s. 304.02, a  
22 parolee who is returned to prison for violation of a condition of parole.

23 **\*-1855/2.9\* SECTION 3363.** 302.11 (7) (d) of the statutes is amended to read:

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1           302.11 (7) (d) A parolee who is subsequently released either after service of the  
2 period of time determined by the department of corrections in the case of a waiver  
3 or the division of hearings and appeals in the department of administration in the  
4 case of a hearing under par. (a) reviewing authority or by a grant of parole under par.  
5 (c) is subject to all conditions and rules of parole until expiration of sentence or  
6 discharge by the department.

7           \*–1855/2.10\* **SECTION 3364.** 302.11 (7) (e) of the statutes is created to read:

8           302.11 (7) (e) A reviewing authority may consolidate proceedings before it  
9 under par. (am) with other proceedings before that reviewing authority under par.  
10 (am) or s. 302.113 (9) (am) or 302.114 (9) (am) if all of the proceedings relate to the  
11 parole or extended supervision of the same person.

12           \*–0447/3.3\* **SECTION 3365.** 302.11 (10) of the statutes is amended to read:

13           302.11 (10) An inmate subject to an order under s. 48.366 or 938.34 (4h) is not  
14 entitled to mandatory release and may be released or discharged only as provided  
15 under s. 48.366 or 938.538.

16           \*–2142/4.5\* **SECTION 3366.** 302.113 (2m) of the statutes is created to read:

17           302.113 (2m) (a) The secretary may reduce the term of confinement of the  
18 bifurcated sentence of an inmate who is serving a bifurcated sentence under s. 973.01  
19 and may release the inmate on conditional medical extended supervision if all of the  
20 following conditions are met:

21           1. The warden of the correctional institution in which the inmate is confined  
22 makes a request to the secretary that the inmate be released on conditional medical  
23 extended supervision.

24           2. The warden provides the secretary with the inmate's age, offense for which  
25 committed, medical condition, health care needs, security classification, potential

**SENATE BILL 55****SECTION 3366**

1 risk for violence, and appropriate level of community supervision and possible  
2 alternative community placements.

3 3. The inmate is seriously ill or terminally ill and the secretary determines that  
4 the release of the inmate would not pose a risk of harm to any person.

5 4. The secretary determines that the inmate's health care costs are likely to be  
6 paid by the federal medicare program, a veteran's program, medical assistance, or  
7 another federal or state medical program, or by the inmate.

8 5. The department complies with par. (e).

9 (b) An inmate released on conditional medical extended supervision shall have  
10 his or her period of extended supervision increased by the amount that his or her  
11 term of confinement is reduced.

12 (c) An offender's conditional medical extended supervision may be revoked if  
13 the offender violates a condition or rule of the conditional medical extended  
14 supervision.

15 (d) The department shall promulgate rules for the conditional medical  
16 extended supervision program, including eligibility criteria, procedures for the  
17 secretary to use in deciding whether to grant a prisoner conditional medical extended  
18 supervision, procedures to follow when revoking a conditional medical extended  
19 supervision, and conditions of the conditional medical extended supervision.

20 (e) The department shall follow the procedures for notification under s.  
21 304.063.

22 \*~~1855/2.11~~\* **SECTION 3367.** 302.113 (4) of the statutes is amended to read:

23 302.113 (4) All consecutive sentences imposed for crimes committed on or after  
24 December 31, 1999, shall be computed as one continuous sentence. The person shall



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1 serve any term of extended supervision after serving all terms of confinement in  
2 prison.

3 **\*-1855/2.12\* SECTION 3368.** 302.113 (8m) of the statutes is created to read:

4 302.113 (8m) Every person released to extended supervision under this section  
5 remains in the legal custody of the department. If the department alleges that any  
6 condition or rule of extended supervision has been violated by the person, the  
7 department may take physical custody of the person for the investigation of the  
8 alleged violation.

9 **\*-1855/2.13\* SECTION 3369.** 302.113 (9) (a) of the statutes is renumbered  
10 302.113 (9) (am) and amended to read:

11 302.113 (9) (am) If a person released to extended supervision under this section  
12 violates a condition of extended supervision, ~~the division of hearings and appeals in~~  
13 ~~the department of administration, upon proper notice and hearing, or the~~  
14 ~~department of corrections, if the person on extended supervision waives a hearing,~~  
15 reviewing authority may revoke the person's extended supervision of the person and  
16 return the person to prison. If, upon revocation, the person is returned to prison,  
17 he or she shall be returned to prison for any specified period of time that does not  
18 exceed the time remaining on the bifurcated sentence. The time remaining on the  
19 bifurcated sentence is the total length of the bifurcated sentence, less time served by  
20 the person in custody confinement under the sentence before release to extended  
21 supervision under sub. (2) and less all time served in confinement for previous  
22 revocations of extended supervision under the sentence. The revocation order shall  
23 provide the person ~~on~~ whose extended supervision is revoked with credit in  
24 accordance with ss. 304.072 and 973.155.

25 **\*-1855/2.14\* SECTION 3370.** 302.113 (9) (ag) of the statutes is created to read:

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1           302.113 (9) (ag) In this subsection “reviewing authority” means the division of  
2 hearings and appeals in the department of administration, upon proper notice and  
3 hearing, or the department of corrections, if the person on extended supervision  
4 waives a hearing.

5           \***-1855/2.15\*** **SECTION 3371.** 302.113 (9) (b) of the statutes is amended to read:

6           302.113 (9) (b) A person who is returned to prison after revocation of extended  
7 supervision shall be incarcerated for the entire period of time specified by the  
8 ~~department of corrections in the case of a waiver or by the division of hearings and~~  
9 ~~appeals in the department of administration in the case of a hearing under par. (a)~~  
10 reviewing authority. The period of time specified under par. (a) ~~(a)~~ (am) may be extended  
11 in accordance with sub. (3). If a person is returned to prison under par. (am) for a  
12 period of time that is less than the time remaining on the bifurcated sentence, the  
13 person shall be released to extended supervision after he or she has served the period  
14 of time specified under par. (am) and any extensions imposed under sub. (3).

15           \***-1855/2.16\*** **SECTION 3372.** 302.113 (9) (c) of the statutes is amended to read:

16           302.113 (9) (c) A person who is subsequently released to extended supervision  
17 after service of the period of time specified by the ~~department of corrections in the~~  
18 ~~case of a waiver or by the division of hearings and appeals in the department of~~  
19 ~~administration in the case of a hearing under par. (a)~~ reviewing authority is subject  
20 to all conditions and rules under sub. (7) until the expiration of the ~~term of~~ remaining  
21 extended supervision portion of the bifurcated sentence. The remaining extended  
22 supervision portion of the bifurcated sentence is the total length of the bifurcated  
23 sentence, less the time served by the person in confinement under the bifurcated  
24 sentence before release to extended supervision under sub. (2) and less all time

**SENATE BILL 55****SECTION 3372**

1 served in confinement for any revocation of extended supervision under the  
2 bifurcated sentence.

3 **\*-1855/2.17\* SECTION 3373.** 302.113 (9) (d) of the statutes is created to read:

4 302.113 (9) (d) When determining under pars. (am) and (c) the amount of time  
5 a person has served in confinement before release to extended supervision or the  
6 amount of time a person has served in confinement for a revocation of extended  
7 supervision, the reviewing authority shall include any extensions imposed under  
8 sub. (3).

9 **\*-1855/2.18\* SECTION 3374.** 302.113 (9) (e) of the statutes is created to read:

10 302.113 (9) (e) If a hearing is to be held under par. (am) before the division of  
11 hearings and appeals in the department of administration, the hearing examiner  
12 may order the taking and allow the use of a videotaped deposition under s. 967.04  
13 (7) to (10).

14 **\*-1855/2.19\* SECTION 3375.** 302.113 (9) (f) of the statutes is created to read:

15 302.113 (9) (f) A reviewing authority may consolidate proceedings before it  
16 under par. (am) with other proceedings before that reviewing authority under par.  
17 (am) or s. 302.11 (7) (am) or 302.114 (9) (am) if all of the proceedings relate to the  
18 parole or extended supervision of the same person.

19 **\*-1855/2.20\* \*-2889/P3.5\* SECTION 3376.** 302.113 (9) (g) of the statutes is  
20 created to read:

21 302.113 (9) (g) If there is a hearing under par. (am) before the division of  
22 hearings and appeals in the department of administration, the person on extended  
23 supervision may seek review of a decision to revoke extended supervision and the  
24 department of corrections may seek review of a decision to not revoke extended

**SENATE BILL 55****SECTION 3376**

1 supervision. Review of a decision under this paragraph may be sought only by an  
2 action for certiorari.

3 **\*-1855/2.21\* SECTION 3377.** 302.114 (4) of the statutes is amended to read:

4 302.114 (4) All consecutive sentences imposed for crimes committed on or after  
5 December 31, 1999, shall be computed as one continuous sentence. An inmate  
6 subject to this section shall serve any term of extended supervision after serving all  
7 terms of confinement in prison.

8 **\*-1855/2.22\* SECTION 3378.** 302.114 (8m) of the statutes is created to read:

9 302.114 (8m) Every person released to extended supervision under this section  
10 remains in the legal custody of the department. If the department alleges that any  
11 condition or rule of extended supervision has been violated by the person, the  
12 department may take physical custody of the person for the investigation of the  
13 alleged violation.

14 **\*-1855/2.23\* SECTION 3379.** 302.114 (9) (a) of the statutes is renumbered  
15 302.114 (9) (am) and amended to read:

16 302.114 (9) (am) If a person released to extended supervision under this section  
17 violates a condition of extended supervision, ~~the division of hearings and appeals in~~  
18 ~~the department of administration, upon proper notice and hearing, or the~~  
19 ~~department of corrections, if the person on extended supervision waives a hearing,~~  
20 reviewing authority may revoke the person's extended supervision of the person and  
21 return the person to prison. If, Upon revocation, the person is returned to prison,  
22 ~~he or she~~ shall be returned to prison for a specified period of time, as provided under  
23 par. (b).

24 **\*-1855/2.24\* SECTION 3380.** 302.114 (9) (ag) of the statutes is created to read:

**SENATE BILL 55****SECTION 3380**

1           302.114 (9) (ag) In this subsection “reviewing authority” has the meaning given  
2 in s. 302.113 (9) (ag).

3           \*–1855/2.25\* **SECTION 3381.** 302.114 (9) (b) of the statutes is amended to read:

4           302.114 (9) (b) If a person is returned to prison under par. (a) (am) after  
5 revocation of extended supervision, the ~~department of corrections in the case of a~~  
6 ~~waiver or the division of hearings and appeals in the department of administration~~  
7 ~~in the case of a hearing under par. (a)~~ reviewing authority shall specify a period of  
8 time for which the person shall be incarcerated before being eligible for release to  
9 extended supervision. The period of time specified under this paragraph may not be  
10 less than 5 years and may be extended in accordance with sub. (3).

11           \*–1855/2.26\* **SECTION 3382.** 302.114 (9) (bm) of the statutes is amended to  
12 read:

13           302.114 (9) (bm) A person who is returned to prison under par. (a) (am) after  
14 revocation of extended supervision may, upon petition to the sentencing court, be  
15 released to extended supervision after he or she has served the entire period of time  
16 specified in par. (b), including any periods of extension imposed under sub. (3). A  
17 person may not file a petition under this paragraph earlier than 90 days before the  
18 date on which he or she is eligible to be released to extended supervision. If a person  
19 files a petition for release to extended supervision under this paragraph at any time  
20 earlier than 90 days before the date on which he or she is eligible to be released to  
21 extended supervision, the court shall deny the petition without a hearing. The  
22 procedures specified in sub. (5) (am) to (f) apply to a petition filed under this  
23 paragraph.

24           \*–1855/2.27\* **SECTION 3383.** 302.114 (9) (d) of the statutes is created to read:

**SENATE BILL 55****SECTION 3383**

1           302.114 (9) (d) If a hearing is to be held under par. (am) before the division of  
2 hearings and appeals in the department of administration, the hearing examiner  
3 may order the taking and allow the use of a videotaped deposition under s. 967.04  
4 (7) to (10).

5           \*~~1855/2.28~~\* **SECTION 3384.** 302.114 (9) (e) of the statutes is created to read:

6           302.114 (9) (e) A reviewing authority may consolidate proceedings before it  
7 under par. (am) with other proceedings before that reviewing authority under par.  
8 (am) or s. 302.11 (7) (am) or 302.113 (9) (am) if all of the proceedings relate to the  
9 parole or extended supervision of the same person.

10           \*~~1855/2.29~~\* \*~~2889/P3.9~~\* **SECTION 3385.** 302.114 (9) (f) of the statutes is  
11 created to read:

12           302.114 (9) (f) If there is a hearing under par. (am) before the division of  
13 hearings and appeals in the department of administration, the person on extended  
14 supervision may seek review of a decision to revoke extended supervision and the  
15 department of corrections may seek review of a decision to not revoke extended  
16 supervision. Review of a decision under this paragraph may be sought only by an  
17 action for certiorari.

18           \*~~0447/3.4~~\* **SECTION 3386.** 302.18 (7) of the statutes is amended to read:

19           302.18 (7) Except as provided in s. 973.013 (3m), the department shall keep all  
20 ~~prisoners~~ a person under 15 years of age who has been sentenced to the Wisconsin  
21 state prisons in a secured juvenile correctional facilities or facility or a secured child  
22 caring institutions institution, but the department may transfer ~~them~~ that person  
23 to an adult correctional institutions institution after ~~they attain~~ the person attains  
24 15 years of age.

25           \*~~0447/3.5~~\* **SECTION 3387.** 302.255 of the statutes is amended to read:

**SENATE BILL 55****SECTION 3387****1           302.255 Interstate corrections compact; additional applicability.**

2           “Inmate”, as defined under s. 302.25 (2) (a), includes persons subject to an order  
3           under s. 48.366 who are confined to a state prison under s. 302.01 and persons subject  
4           to an order under s. 938.34 (4h) who are 17 years of age or older.

5           \*~~0470/1.1~~ **SECTION 3388.** 302.386 (3) (a) of the statutes is amended to read:

6           302.386 (3) (a) Except as provided in par. (b), the department may require a  
7           resident housed in a prison identified in s. 302.01 or in a secured correctional facility,  
8           as defined in s. 938.02 (15m), who earns wages during residency and who receives  
9           medical or dental services to pay a deductible, coinsurance, copayment, or similar  
10          charge upon the medical or dental service that he or she receives. The department  
11          shall collect the allowable deductible, coinsurance, copayment, or similar charge.

12          \*~~0447/3.6~~ **SECTION 3389.** 302.386 (5) (d) of the statutes is amended to read:

13          302.386 (5) (d) Any participant in the serious juvenile offender program under  
14          s. 938.538 unless ~~he or she~~ the participant is placed in a Type 1 secured correctional  
15          facility, as defined in s. 938.02 (19), ~~or in a Type 1 prison other than the institution~~  
16          authorized under s. 301.046 (1).

17          \*~~1855/2.30~~ **SECTION 3390.** 304.11 (3) of the statutes is amended to read:

18          304.11 (3) If upon inquiry it further appears to the governor that the convicted  
19          person has violated or failed to comply with any of those conditions, the governor may  
20          issue his or her warrant remanding the person to the institution from which  
21          discharged, and the person shall be confined and treated as though no pardon had  
22          been granted, except that the person loses any applicable good time which he or she  
23          had earned. If the person is returned to prison, the person is subject to the same  
24          limitations as a revoked parolee under s. 302.11 (7). The department shall determine  
25          the period of incarceration under s. 302.11 (7) ~~(a)~~ (am). If the governor determines

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1 the person has not violated or failed to comply with the conditions, the person shall  
2 be discharged subject to the conditional pardon.

3 **\*-0019/3.1\* SECTION 3391.** 341.135 (1) of the statutes is amended to read:

4 341.135 (1) DESIGN. Every ~~6th~~ 7th year, the department shall establish new  
5 designs of registration plates to be issued under ss. 341.14 (1a), (1m), (1q), (2), (2m),  
6 (6m) ~~or~~ and (6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and 341.26 (2)  
7 and (3) (a) 1. and (am). Any design for registration plates issued for automobiles and  
8 for vehicles registered on the basis of gross weight shall comply with the applicable  
9 design requirements of ss. 341.12 (3), 341.13, and 341.14 (6r) (c). The designs for  
10 registration plates specified in this subsection shall be as similar in appearance as  
11 practicable during each ~~6-year~~ 7-year design interval. Each registration plate  
12 issued under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m), or (6r), 341.25 (1) (a), (c), (h),  
13 or (j) or (2) (a), (b), or (c), or 341.26 (2) or (3) (a) 1. or (am) during each ~~6-year~~ 7-year  
14 design interval shall be of the design established under this subsection. The  
15 department may not redesign registration plates for the special ~~group~~ groups under  
16 s. 341.14 (6r) (f) 53., 54., or 55. until ~~January 1, 2005~~ July 1, 2007. Except for  
17 registration plates issued under s. 341.14 (6r) (f) 53., 54., or 55., the first design cycle  
18 for registration plates issued under ss. 341.14 (1a), (1m), (1q), (2), (2m), (6m), and  
19 (6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and 341.26 (2) and (3) (a)  
20 1. and (am) began July 1, 2000.

21 **\*-0019/3.2\* SECTION 3392.** 341.135 (2) (a) 1. of the statutes is amended to read:

22 341.135 (2) (a) 1. Beginning with registrations initially effective on  
23 July 1, 2000, upon receipt of a completed application to initially register a vehicle  
24 under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m), or (6r), except s. 341.14 (6r) (f) 53.,  
25 54., or 55., or s. 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c) or 341.26 (2) or (3) (a)



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1 1. or (am), the department shall issue and deliver prepaid to the applicant 2 new  
2 registration plates of the design established under sub. (1).

3 **\*-0019/3.3\* SECTION 3393.** 341.135 (2) (a) 2. of the statutes is amended to read:

4 341.135 (2) (a) 2. Notwithstanding s. 341.13 (3), beginning with registrations  
5 initially effective on July 1, ~~2005~~ 2007, upon receipt of a completed application to  
6 initially register a vehicle under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m), or (6r), or  
7 s. 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c) or 341.26 (2) or (3) (a) 1. or (am), or  
8 to renew the registration of a vehicle under those sections for which a registration  
9 plate has not been issued during the previous ~~6~~ 7 years, the department shall issue  
10 and deliver prepaid to the applicant 2 new registration plates of the design  
11 established for that ~~6-year~~ 7-year period under sub. (1).

12 **\*-0019/3.4\* SECTION 3394.** 341.135 (2) (am) of the statutes is amended to read:

13 341.135 (2) (am) Notwithstanding ss. s. 341.13 (3) and (3m), beginning with  
14 registrations initially effective on July 1, 2000, upon receipt of a completed  
15 application to renew the registration of a vehicle registered under s. 341.14 (1a),  
16 (1m), (1q), (2), (2m), (6m), or (6r), except s. 341.14 (6r) (f) ~~53., 54., or 55.~~, or s. 341.25  
17 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c) for which a registration plate of the design  
18 established under sub. (1) has not been issued, the department may issue and deliver  
19 prepaid to the applicant 2 new registration plates of the design established under  
20 sub. (1). This paragraph does not apply to registration plates issued under s. 341.14  
21 (6r) (f) 52., 1997 stats. This paragraph does not apply after June 30, ~~2005~~ 2007.

22 **\*-0019/3.5\* SECTION 3395.** 341.135 (2) (e) of the statutes is amended to read:

23 341.135 (2) (e) The department shall issue new registration plates of the design  
24 established under sub. (1) for every vehicle registered under s. 341.14 (1a), (1m), (1q),

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1 (2), (2m), (6m), or (6r), 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c), or 341.26 (2)  
2 or (3) (a) 1. or (am) after ~~January 1, 2005~~ July 1, 2007.

3 \*~~0017/2.1~~\* **SECTION 3396.** 341.14 (2) of the statutes is amended to read:

4 341.14 (2) Upon compliance with the laws relating to registration of  
5 automobiles and motor homes; motor trucks, dual purpose motor homes, and dual  
6 purpose farm trucks which have a gross weight of not more than 8,000 pounds; and  
7 farm trucks which have a gross weight of not more than 12,000 pounds, including  
8 payment of the prescribed registration fees therefor plus an additional fee of \$10 \$15  
9 when registration plates are issued accompanied by an application showing  
10 satisfactory proof that the applicant is the holder of an unexpired amateur radio  
11 station license issued by the federal communications commission, the department  
12 shall issue registration plates on which, in lieu of the usual registration number,  
13 shall be inscribed in large legible form the call letters of such applicant as assigned  
14 by the federal communications commission. The fee for reissuance of a plate under  
15 this subsection shall be \$10 \$15.

16 \*~~0017/2.2~~\* **SECTION 3397.** 341.14 (2m) of the statutes is amended to read:

17 341.14 (2m) Upon compliance with laws relating to registration of motor  
18 vehicles, including payment of the prescribed fee, and an additional fee of \$5 \$15  
19 when the original or new registration plates are issued and accompanied by an  
20 application showing satisfactory proof that the applicant has a collector's  
21 identification number as provided in s. 341.266 (2) (d), the department shall issue  
22 registration plates on which, in lieu of the usual registration number, shall be  
23 inscribed the collector's identification number issued under s. 341.266 (2) (d). The  
24 words "VEHICLE COLLECTOR" shall be inscribed across the lower or upper portion  
25 of the plate at the discretion of the department. Additional registrations under this

**SENATE BILL 55****SECTION 3397**

1 subsection by the same collector shall bear the same collector's identification number  
2 followed by a suffix letter for vehicle identification. Registration plates issued under  
3 this subsection shall expire annually.

4 **\*-0017/2.3\* SECTION 3398.** 341.14 (6) (d) of the statutes is amended to read:

5 341.14 (6) (d) For each additional vehicle, a person who maintains more than  
6 one registration under this subsection at one time shall be charged a fee of ~~\$10~~ \$15  
7 for issuance or reissuance of the plates in addition to the annual registration fee for  
8 the vehicle. Except as provided in par. (c), a motor truck or dual purpose farm truck  
9 registered under this subsection shall be registered under this paragraph.

10 **\*-0017/2.4\* SECTION 3399.** 341.14 (6) (e) of the statutes is repealed.

11 **\*-0017/2.5\* SECTION 3400.** 341.14 (6m) (a) of the statutes is amended to read:

12 341.14 (6m) (a) Upon application to register an automobile or motor truck  
13 which has a gross weight of not more than 8,000 pounds by any person who is a  
14 resident of this state and a member or retired member of the national guard, the  
15 department shall issue to the person special plates whose colors and design shall be  
16 determined by the department and which have the words "Wisconsin guard member"  
17 placed on the plates in the manner designated by the department. The department  
18 shall consult with or obtain the approval of the adjutant general with respect to any  
19 word or symbol used to identify the national guard. An additional fee of ~~\$10~~ \$15 shall  
20 be charged for the issuance or reissuance of the plates. Registration plates issued  
21 under this subsection shall expire annually.

22 **\*-0017/2.6\* SECTION 3401.** 341.14 (6r) (b) 2. of the statutes is amended to read:

23 341.14 (6r) (b) 2. An additional fee of ~~\$10~~ \$15 shall be charged for the issuance  
24 or reissuance of the plates for special groups specified under par. (f) ~~1. to 34., 48., 49.~~  
25 ~~and 51.~~

**SENATE BILL 55****SECTION 3402**

1           \*~~0017/2.7~~\* **SECTION 3402.** 341.14 (6r) (b) 3. of the statutes is amended to read:

2           341.14 **(6r)** (b) 3. An additional fee of \$15 shall be charged for the issuance or  
3           reissuance of a plate issued ~~on an annual basis for a special group specified under~~  
4           ~~par. (f) 35. to 47., 53., 54. or 55. or designated by the department under par. (fm). An~~  
5           ~~additional fee of \$15 shall be charged for the issuance or reissuance of a plate issued~~  
6           ~~on a biennial basis for a special group specified under par. (f) 35. to 47., 53., 54. or 55.~~  
7           ~~or designated by the department under par. (fm) if the plate is issued during the first~~  
8           ~~year of the biennial registration period or \$15 for the issuance or reissuance if the~~  
9           ~~plate is issued during the 2nd year of the biennial registration period. The~~  
10           department shall deposit in the general fund and credit to the appropriation account  
11           under s. 20.395 (5) (cj) all fees collected under this subdivision ~~for the issuance or~~  
12           ~~reissuance of a plate for a special group designated by the department under par.~~  
13           ~~(fm).~~

14           \*~~0017/2.8~~\* **SECTION 3403.** 341.14 (6r) (b) 4. of the statutes is amended to read:

15           341.14 **(6r)** (b) 4. An additional fee of \$20 that is in addition to the fee under  
16           subd. 2. ~~or 3.~~ shall be charged for the issuance or renewal of a plate issued on an  
17           annual basis for a special group specified under par. (f) 35. to 47. An additional fee  
18           of \$40 that is in addition to the fee under subd. 2. ~~or 3.~~ shall be charged for the  
19           issuance or renewal of a plate issued on a biennial basis for a special group specified  
20           under par. (f) 35. to 47. if the plate is issued or renewed during the first year of the  
21           biennial registration period or \$20 for the issuance or renewal if the plate is issued  
22           or renewed during the 2nd year of the biennial registration period. The fee under  
23           this subdivision is deductible as a charitable contribution for purposes of the taxes  
24           under ch. 71.

25           \*~~0017/2.9~~\* **SECTION 3404.** 341.14 (6r) (b) 6. of the statutes is amended to read:

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1           341.14 (6r) (b) 6. An additional fee of \$20 that is in addition to the fee under  
2           subd. ~~3.~~ 2. shall be charged for the issuance or renewal of a plate issued on an annual  
3           basis for the special group specified under par. (f) 53. An additional fee of \$40 that  
4           is in addition to the fee under subd. ~~3.~~ 2. shall be charged for the issuance or renewal  
5           of a plate issued on a biennial basis for the special group specified under par. (f) 53.  
6           if the plate is issued or renewed during the first year of the biennial registration  
7           period or \$20 for the issuance or renewal if the plate is issued or renewed during the  
8           2nd year of the biennial registration period. All moneys received under this  
9           subdivision in excess of the initial costs of data processing for the special group plate  
10          under par. (f) 53. or \$35,000, whichever is less, shall be deposited in the children's  
11          trust fund. To the extent permitted under ch. 71, the fee under this subdivision is  
12          deductible as a charitable contribution for purposes of the taxes under ch. 71.

13           \*~~0017/2.10~~\* **SECTION 3405.** 341.14 (6r) (b) 7. of the statutes is amended to  
14          read:

15           341.14 (6r) (b) 7. An additional fee of \$25 that is in addition to the fee under  
16           subd. ~~3.~~ 2. shall be charged for the issuance or renewal of a plate issued on an annual  
17           basis for the special group specified under par. (f) 54. An additional fee of \$50 that  
18           is in addition to the fee under subd. ~~3.~~ 2. shall be charged for the issuance or renewal  
19           of a plate issued on the biennial basis for the special group specified under par. (f) 54.  
20           if the plate is issued or renewed during the first year of the biennial registration  
21           period or \$25 for the issuance or renewal if the plate is issued or renewed during the  
22           2nd year of the biennial registration period. All moneys received under this  
23           subdivision in excess of the initial costs of production of the special group plate under  
24           par. (f) 54. or \$196,700, whichever is less, shall be deposited in the conservation fund  
25           and credited to the appropriation under s. 20.370 (5) (au). To the extent permitted

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1 under ch. 71, the fee under this subdivision is deductible as a charitable contribution  
2 for purposes of the taxes under ch. 71.

3 **\*-0017/2.11\* SECTION 3406.** 341.14 (6r) (b) 8. (intro.) of the statutes is amended  
4 to read:

5 341.14 (6r) (b) 8. (intro.) An additional fee of \$25 that is in addition to the fee  
6 under subd. ~~3~~. 2. shall be charged for the issuance or renewal of a plate issued on an  
7 annual basis for the special group specified under par. (f) 55. An additional fee of \$50  
8 that is in addition to the fee under subd. ~~3~~. 2. shall be charged for the issuance or  
9 renewal of a plate issued on the biennial basis for the special group specified under  
10 par. (f) 55. if the plate is issued or renewed during the first year of the biennial  
11 registration period or \$25 for the issuance or renewal if the plate is issued or renewed  
12 during the 2nd year of the biennial registration period. For each professional football  
13 team for which plates are produced under par. (f) 55., all moneys received under this  
14 subdivision in excess of the initial costs of data processing for the special group plate  
15 related to that team under par. (f) 55. or \$35,000, whichever is less, shall be deposited  
16 in the general fund and credited as follows:

17 **\*-0017/2.12\* SECTION 3407.** 341.14 (8) of the statutes is amended to read:

18 341.14 (8) If a special plate for a group associated with a branch of the armed  
19 services or otherwise military in nature has been issued to a person under this  
20 section, upon application by the surviving spouse of the person, the department may  
21 permit the surviving spouse to retain the plate. If the plate has been returned to the  
22 department or surrendered to another state, the department may reissue the plate  
23 to the surviving spouse. The department shall charge an additional fee of \$10 \$15  
24 to reissue the plate. This subsection does not apply to a special plate issued under  
25 s. 341.14 (1) or (1r).

**SENATE BILL 55**

1           \***-0355/6.1**\* **SECTION 3408.** 342.14 (1r) of the statutes is repealed and recreated  
2 to read:

3           342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental  
4 impact fee of \$6, by the person filing the application. All moneys collected under this  
5 subsection shall be credited to the environmental fund for environmental  
6 management. This subsection does not apply after September 30, 2003.

7           \***-1686/4.98**\* **SECTION 3409.** 343.06 (1) (d) of the statutes is amended to read:

8           343.06 (1) (d) To any person whose dependence on alcohol has attained such  
9 a degree that it interferes with his or her physical or mental health or social or  
10 economic functioning, or who is addicted to the use of controlled substances or  
11 controlled substance analogs, except that the secretary may issue a license if the  
12 person submits to an examination, evaluation or treatment in a treatment facility  
13 meeting the standards prescribed in s. ~~51.45 (8) (a)~~ 51.04 (1), as directed by the  
14 secretary, in accordance with s. 343.16 (5).

15           \***-0272/2.1**\* **SECTION 3410.** 343.24 (2) (a) of the statutes is amended to read:

16           343.24 (2) (a) For each file search, ~~\$3~~ \$5.

17           \***-0272/2.2**\* **SECTION 3411.** 343.24 (2) (b) of the statutes is amended to read:

18           343.24 (2) (b) For each computerized search, ~~\$3~~ \$5.

19           \***-0272/2.3**\* **SECTION 3412.** 343.24 (2) (c) of the statutes is amended to read:

20           343.24 (2) (c) For each search requested by telephone, ~~\$4~~ \$6, or an established  
21 monthly service rate determined by the department.

22           \***-0272/2.4**\* **SECTION 3413.** 343.24 (2m) of the statutes is amended to read:

23           343.24 (2m) If the department, in maintaining a computerized operating  
24 record system, makes copies of its operating record file database, or a portion thereof,  
25 on computer tape or other electronic media, copies of the tape or media may be

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1 furnished to any person on request. The department may also furnish to any person  
2 upon request records on computer tape or other electronic media that contain  
3 information from files of uniform traffic citations or motor vehicle accidents and that  
4 were produced for or developed by the department for purposes related to  
5 maintenance of the operating record file database. The department shall charge a  
6 fee of ~~\$3~~ \$5 for each file of vehicle operators' records contained in the tape or media.  
7 The department shall charge a fee of not more than ~~\$3~~ \$5 for each file of uniform  
8 traffic citations or motor vehicle accidents contained in the tape or media. Nothing  
9 in this subsection requires the department to produce records of particular files or  
10 data in a particular format except as those records or data are made by the  
11 department for its purposes.

12 **\*-0272/2.5\* SECTION 3414.** 343.245 (3m) (b) of the statutes is amended to read:

13 343.245 (3m) (b) The department shall establish and collect reasonable fees  
14 from employers in the program sufficient to defray the costs of instituting and  
15 maintaining the program, including the registration and withdrawal of employees.  
16 The fee for each notification by the department to an employer under par. (a) shall  
17 be ~~\$3~~ \$5.

18 **\*-2018/2.1\* SECTION 3415.** 343.30 (1q) (b) 3. of the statutes is amended to read:

19 343.30 (1q) (b) 3. Except as provided in subd. 4m., if the number of convictions  
20 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other  
21 convictions, suspensions and revocations counted under s. 343.307 (1) within a  
22 10-year period, equals 2, the court shall revoke the person's operating privilege for  
23 not less than one year nor more than 18 months. ~~After the first 60 days of the~~  
24 ~~revocation period~~ After one year of a revocation period of more than one year has  
25 elapsed, the person is eligible for an occupational license under s. 343.10 if he or she



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1 has completed the assessment and is complying with the driver safety plan ordered  
2 under par. (c).

3 **\*-2018/2.2\* SECTION 3416.** 343.30 (1q) (b) 4. of the statutes is amended to read:

4 343.30 (1q) (b) 4. Except as provided in subd. 4m., if the number of convictions  
5 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other  
6 convictions, suspensions and revocations counted under s. 343.307 (1), equals 3 or  
7 more, the court shall revoke the person's operating privilege for not less than 2 years  
8 nor more than 3 years. After the first 90 days one year of the revocation period has  
9 elapsed, the person is eligible for an occupational license under s. 343.10 if he or she  
10 has completed the assessment and is complying with the driver safety plan ordered  
11 under par. (c).

12 **\*-2056/1.1\* SECTION 3417.** 343.301 (1) (a) of the statutes, as created by 1999  
13 Wisconsin Act 109, is amended to read:

14 343.301 (1) (a) If a person improperly refuses to take a test under s. 343.305  
15 or violates s. 346.63 (1) or (2), 940.09 (1) or 940.25, and the person has a total of one  
16 or more prior convictions, suspensions or revocations, counting convictions under ss.  
17 940.09 (1) and 940.25 in the person's lifetime and other convictions, suspensions and  
18 revocations counted under s. 343.307 (1), the court ~~may~~ shall order that the person's  
19 operating privilege for the operation of "Class D" vehicles be restricted to operating  
20 "Class D" vehicles that are equipped with an ignition interlock device. This  
21 paragraph does not apply if the court orders the immobilization of each motor vehicle  
22 owned by the person under sub. (2), or, if the person has 2 or more prior convictions,  
23 suspensions, or revocations for purposes of this paragraph, the court orders seizure  
24 and forfeiture under s. 346.65 (6).

**SENATE BILL 55****SECTION 3418**

1           **\*-2056/1.2\* SECTION 3418.** 343.301 (1) (b) of the statutes, as created by 1999  
2           Wisconsin Act 109, is amended to read:

3           343.301 (1) (b) The court ~~may restrict~~ shall order the operating privilege  
4           restriction under par. (a) for a period of not less than one year nor more than the  
5           maximum operating privilege revocation period permitted for the refusal or  
6           violation, beginning one year after the operating privilege revocation period began.

7           **\*-2056/1.3\* SECTION 3419.** 343.301 (2) (a) of the statutes, as created by 1999  
8           Wisconsin Act 109, is amended to read:

9           343.301 (2) (a) If a person improperly refuses to take a test under s. 343.305  
10          or violates s. 346.63 (1) or (2), 940.09 (1) or 940.25, and the person has a total of one  
11          or more prior convictions, suspensions or revocations, counting convictions under ss.  
12          940.09 (1) and 940.25 in the person's lifetime and other convictions, suspensions and  
13          revocations counted under s. 343.307 (1), the court ~~may~~ shall order that ~~the motor~~  
14          ~~vehicle used during the refusal or violation and~~ each motor vehicle owned by the  
15          person be immobilized. This paragraph does not apply if the court orders that the  
16          person's operating privilege for the operation of "Class D" vehicles be restricted to  
17          operating "Class D" vehicles that are equipped with an ignition interlock device  
18          under sub. (1), or, if the person has 2 or more prior convictions, suspensions, or  
19          revocations for purposes of this paragraph, the court orders seizure and forfeiture  
20          under s. 346.65 (6).

21          **\*-2056/1.4\* SECTION 3420.** 343.301 (2) (b) of the statutes, as created by 1999  
22          Wisconsin Act 109, is amended to read:

23          343.301 (2) (b) The court ~~may~~ shall order the immobilization under par. (a) for  
24          a period of not less than one year nor more than the maximum operating privilege

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1 revocation period permitted for the refusal or violation, beginning on the first day of  
2 the operating privilege revocation period.

3 **\*-2018/2.3\* SECTION 3421.** 343.305 (10) (b) 3. of the statutes is amended to  
4 read:

5 343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions  
6 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other  
7 convictions, suspensions and revocations counted under s. 343.307 (2) within a  
8 10-year period, equals 2, the court shall revoke the person's operating privilege for  
9 2 years. After the first ~~90 days~~ one year of the revocation period has elapsed, the  
10 person is eligible for an occupational license under s. 343.10 if he or she has  
11 completed the assessment and is complying with the driver safety plan.

12 **\*-2018/2.4\* SECTION 3422.** 343.305 (10) (b) 4. of the statutes is amended to  
13 read:

14 343.305 (10) (b) 4. Except as provided in subd. 4m., if the number of convictions  
15 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other  
16 convictions, suspensions and revocations counted under s. 343.307 (2), equals 3 or  
17 more, the court shall revoke the person's operating privilege for 3 years. After the  
18 ~~first 120 days~~ one year of the revocation period has elapsed, the person is eligible for  
19 an occupational license under s. 343.10 if he or she has completed the assessment and  
20 is complying with the driver safety plan.

21 **\*-2056/1.5\* SECTION 3423.** 343.305 (10m) of the statutes, as affected by 1999  
22 Wisconsin Act 109, is amended to read:

23 343.305 (10m) REFUSALS; SEIZURE, IMMOBILIZATION OR IGNITION INTERLOCK OF A  
24 MOTOR VEHICLE. If the person whose operating privilege is revoked under sub. (10)  
25 has one or more prior convictions, suspensions or revocations, as counted under s.

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1 343.307 (1), the procedure under s. 343.301 shall be followed if ~~the court orders the~~  
2 ~~immobilization of the motor vehicle used in the commission of the offense and owned~~  
3 ~~by the person or if the court requires that the person's operating privilege for the~~  
4 ~~operation of "Class D" vehicles be restricted to operating "Class D" vehicles equipped~~  
5 ~~with an ignition interlock device.~~ If the number of convictions under ss. 940.09 (1)  
6 and 940.25 in the lifetime of the person whose operating privilege is revoked under  
7 sub. (10), plus the total number of other convictions, suspensions and revocations  
8 counted under s. 343.307 (1), equals 2 or more, the procedure under s. 346.65 (6) shall  
9 be followed if the court orders the seizure and forfeiture of the motor vehicle used in  
10 the improper refusal and owned by the person.

11 \*~~2018/2.5~~\* **SECTION 3424.** 343.31 (3) (bm) 3. of the statutes is amended to  
12 read:

13 343.31 (3) (bm) 3. Except as provided in subd. 4m., if the number of convictions  
14 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of  
15 suspensions, revocations and other convictions counted under s. 343.307 (1) within  
16 a 10-year period, equals 2, the department shall revoke the person's operating  
17 privilege for not less than one year nor more than 18 months. If an Indian tribal court  
18 in this state revokes the person's privilege to operate a motor vehicle on tribal lands  
19 for not less than one year nor more than 18 months for the conviction specified in par.  
20 (bm) (intro.), the department shall impose the same period of revocation. ~~After the~~  
21 ~~first 60 days of the revocation period~~ After one year of a revocation period of more  
22 than one year has elapsed, the person is eligible for an occupational license under s.  
23 343.10.

24 \*~~2018/2.6~~\* **SECTION 3425.** 343.31 (3) (bm) 4. of the statutes is amended to  
25 read:

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1           343.31 (3) (bm) 4. Except as provided in subd. 4m., if the number of convictions  
2           under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other  
3           suspensions, revocations and convictions counted under s. 343.307 (1), equals 3 or  
4           more, the department shall revoke the person's operating privilege for not less than  
5           2 years nor more than 3 years. If an Indian tribal court in this state revokes the  
6           person's privilege to operate a motor vehicle on tribal lands for not less than 2 years  
7           nor more than 3 years for the conviction specified in par. (bm) (intro.), the department  
8           shall impose the same period of revocation. After ~~the first 90 days~~ one year of the  
9           revocation period has elapsed, the person is eligible for an occupational license under  
10          s. 343.10.

11           \*–2018/2.7\* SECTION 3426. 343.31 (3m) (a) of the statutes is amended to read:

12           343.31 (3m) (a) Any person who has his or her operating privilege revoked  
13           under sub. (3) (c) or (f) is eligible for an occupational license under s. 343.10 after the  
14           first 120 days of the revocation period, except that if a person has one or more prior  
15           convictions, suspensions, or revocations for any offense that is counted under s.  
16           343.307 (1), the person is eligible for an occupational license under s. 343.10 after one  
17           year of the revocation period has elapsed.

18           \*–2018/2.8\* SECTION 3427. 343.31 (3m) (b) of the statutes is amended to read:

19           343.31 (3m) (b) Any person who has his or her operating privilege revoked  
20           under sub. (3) (e) is eligible for an occupational license under s. 343.10 after the first  
21           60 days of the revocation period, except that if a person has one or more prior  
22           convictions, suspensions, or revocations for any offense that is counted under s.  
23           343.307 (1), the person is eligible for an occupational license under s. 343.10 after one  
24           year of the revocation period has elapsed.

25           \*–1394/2.53\* SECTION 3428. 345.26 (1) (b) 1. of the statutes is amended to read:

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1           345.26 (1) (b) 1. If the person makes a deposit for a violation of a traffic  
2 regulation, the person need not appear in court at the time fixed in the citation, and  
3 the person will be deemed to have tendered a plea of no contest and submitted to a  
4 forfeiture and a penalty assessment, if required by s. 757.05, a law enforcement  
5 training fund assessment, if required by s. 165.87 (1), a jail assessment, if required  
6 by s. 302.46 (1), a railroad crossing improvement assessment, if required by s.  
7 346.177, 346.495 or 346.65 (4r), and a crime laboratories and drug law enforcement  
8 assessment, if required by s. 165.755, plus any applicable fees prescribed in ch. 814,  
9 not to exceed the amount of the deposit that the court may accept as provided in s.  
10 345.37; and

11           \*~~1394/2.54~~\* **SECTION 3429.** 345.26 (2) (b) of the statutes is amended to read:

12           345.26 (2) (b) In addition to the amount in par. (a), the deposit shall include  
13 court costs, including any applicable fees prescribed in ch. 814, any applicable  
14 penalty assessment, any applicable law enforcement training fund assessment, any  
15 applicable jail assessment, any applicable railroad crossing improvement  
16 assessment, and any applicable crime laboratories and drug law enforcement  
17 assessment.

18           \*~~1394/2.55~~\* **SECTION 3430.** 345.36 (2) (b) of the statutes is amended to read:

19           345.36 (2) (b) Deem the nonappearance a plea of no contest and enter judgment  
20 accordingly. If the defendant has posted bond for appearance at that date, the court  
21 may also order the bond forfeited. The court shall promptly mail a copy of the  
22 judgment to the defendant. The judgment shall allow not less than 20 days from the  
23 date thereof for payment of any forfeiture, penalty assessment, law enforcement  
24 training fund assessment, jail assessment, railroad crossing improvement  
25 assessment, crime laboratories and drug law enforcement assessment, and costs

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1 imposed. If the defendant moves to open the judgment within 20 days after the date  
2 set for trial, and shows to the satisfaction of the court that the failure to appear was  
3 due to mistake, inadvertence, surprise, or excusable neglect, the court shall open the  
4 judgment, reinstate the not guilty plea, and set a new trial date. The court may  
5 impose costs under s. 814.07. The court shall immediately notify the department to  
6 delete the record of conviction based upon the original judgment.

7 **\*-1394/2.56\* SECTION 3431.** 345.37 (1) (b) of the statutes is amended to read:

8 345.37 (1) (b) Deem the nonappearance a plea of no contest and enter judgment  
9 accordingly. If the defendant has posted bond for appearance at that date, the court  
10 may also order the bond forfeited. The court shall promptly mail a copy or notice of  
11 the judgment to the defendant. The judgment shall allow not less than 20 days from  
12 the date thereof for payment of any forfeiture, penalty assessment, law enforcement  
13 training fund assessment, railroad crossing improvement assessment, crime  
14 laboratories and drug law enforcement assessment, and costs imposed. If the  
15 defendant moves to open the judgment within 6 months after the court appearance  
16 date fixed in the citation, and shows to the satisfaction of the court that the failure  
17 to appear was due to mistake, inadvertence, surprise, or excusable neglect, the court  
18 shall open the judgment, accept a not guilty plea, and set a trial date. The court may  
19 impose costs under s. 814.07. The court shall immediately notify the department to  
20 delete the record of conviction based upon the original judgment. If the offense  
21 involved is a nonmoving traffic violation and the defendant is subject to s. 345.28 (5)  
22 (c), a default judgment may be entered and opened as provided in s. 345.28 (5) (c).

23 **\*-1394/2.57\* SECTION 3432.** 345.37 (2) of the statutes is amended to read:

24 345.37 (2) If the defendant has made a deposit under s. 345.26, the citation may  
25 serve as the initial pleading and the defendant shall be deemed to have tendered a

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1 plea of no contest and submitted to a forfeiture and a penalty assessment, if required  
2 by s. 757.05, a law enforcement training fund assessment, if required by s. 165.87 (1),  
3 a jail assessment, if required by s. 302.46 (1), a railroad crossing improvement  
4 assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a crime laboratories  
5 and drug law enforcement assessment, if required by s. 165.755, plus costs, including  
6 any applicable fees prescribed in ch. 814, not exceeding the amount of the deposit.  
7 The court may either accept the plea of no contest and enter judgment accordingly,  
8 or reject the plea and issue a summons under ch. 968. If the defendant fails to appear  
9 in response to the summons, the court shall issue a warrant under ch. 968. If the  
10 court accepts the plea of no contest, the defendant may move within 6 months after  
11 the date set for the appearance to withdraw the plea of no contest, open the judgment,  
12 and enter a plea of not guilty upon a showing to the satisfaction of the court that the  
13 failure to appear was due to mistake, inadvertence, surprise, or excusable neglect.  
14 If on reopening the defendant is found not guilty, the court shall immediately notify  
15 the department to delete the record of conviction based on the original proceeding  
16 and shall order the defendant's deposit returned.

17 **\*-1394/2.58\* SECTION 3433.** 345.37 (5) of the statutes is amended to read:

18 345.37 (5) Within 5 working days after forfeiture of deposit or entry of default  
19 judgment, the official receiving the forfeiture, the penalty assessment, if required by  
20 s. 757.05, the law enforcement training fund assessment, if required by s. 165.87 (1),  
21 the jail assessment, if required by s. 302.46 (1), the railroad crossing improvement  
22 assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the crime  
23 laboratories and drug law enforcement assessment, if required by s. 165.755, shall  
24 forward to the department a certification of the entry of default judgment or a  
25 judgment of forfeiture.



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1           \*–1394/2.59\* **SECTION 3434.** 345.375 (2) of the statutes is amended to read:

2           345.375 (2) Upon default of the defendant corporation or limited liability  
3 company or upon conviction, judgment for the amount of the forfeiture, the penalty  
4 assessment, if required under s. 757.05, the law enforcement training fund  
5 assessment, if required under s. 165.87 (1), the jail assessment, if required by s.  
6 302.46 (1), and the crime laboratories and drug law enforcement assessment, if  
7 required under s. 165.755, shall be entered.

8           \*–1394/2.60\* **SECTION 3435.** 345.47 (1) (intro.) of the statutes is amended to  
9 read:

10          345.47 (1) (intro.) If the defendant is found guilty, the court may enter  
11 judgment against the defendant for a monetary amount not to exceed the maximum  
12 forfeiture, penalty assessment, if required by s. 757.05, the law enforcement training  
13 fund assessment, if required by s. 165.87 (1), the jail assessment, if required by s.  
14 302.46 (1), the railroad crossing improvement assessment, if required by s. 346.177,  
15 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement  
16 assessment, if required by s. 165.755, provided for the violation and for costs under  
17 s. 345.53 and, in addition, may suspend or revoke his or her operating privilege under  
18 s. 343.30. If the judgment is not paid, the court shall order:

19          \*–1394/2.61\* **SECTION 3436.** 345.47 (1) (b) of the statutes is amended to read:

20          345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension  
21 or revocation, that the defendant's operating privilege be suspended. The operating  
22 privilege shall be suspended for 30 days or until the person pays the forfeiture, the  
23 penalty assessment, if required by s. 757.05, the law enforcement training fund  
24 assessment, if required by s. 165.87 (1), the jail assessment, if required by s. 302.46  
25 (1), the railroad crossing improvement assessment, if required by s. 346.177, 346.495

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1 or 346.65 (4r), and the crime laboratories and drug law enforcement assessment, if  
2 required by s. 165.755, but not to exceed 2 years. Suspension under this paragraph  
3 shall not affect the power of the court to suspend or revoke under s. 343.30 or the  
4 power of the secretary to suspend or revoke the operating privilege. This paragraph  
5 does not apply if the judgment was entered solely for violation of an ordinance  
6 unrelated to the violator's operation of a motor vehicle.

7 **\*-1394/2.62\* SECTION 3437.** 345.47 (1) (c) of the statutes is amended to read:

8 345.47 (1) (c) If a court or judge suspends an operating privilege under this  
9 section, the court or judge shall immediately take possession of the suspended license  
10 and shall forward it to the department together with the notice of suspension, which  
11 shall clearly state that the suspension was for failure to pay a forfeiture, a penalty  
12 assessment, if required by s. 757.05, a law enforcement training fund assessment,  
13 if required by s. 165.87 (1), a jail assessment, if required by s. 302.46 (1), a railroad  
14 crossing improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r),  
15 and a crime laboratories and drug law enforcement assessment, if required by s.  
16 165.755, imposed by the court. The notice of suspension and the suspended license,  
17 if it is available, shall be forwarded to the department within 48 hours after the order  
18 of suspension. If the forfeiture, penalty assessment, law enforcement training fund  
19 assessment, jail assessment, railroad crossing improvement assessment, and crime  
20 laboratories and drug law enforcement assessment are paid during a period of  
21 suspension, the court or judge shall immediately notify the department. Upon  
22 receipt of the notice and payment of the reinstatement fee under s. 343.21 (1) (j), the  
23 department shall return the surrendered license.

24 **\*-1394/2.63\* SECTION 3438.** 345.47 (2) of the statutes is amended to read: