

1 ***b0549/1.1* SECTION 3786c.** 767.08 (2) (b) of the statutes is amended to read:

2 767.08 (2) (b) The court in the action shall, as provided under s. 767.25 or
3 767.26, determine and adjudge the amount, if any, the person should reasonably
4 contribute to the support and maintenance of the spouse or child and how the sum
5 should be paid. This amount ~~may~~ must be expressed as a ~~percentage of the person's~~
6 ~~income or as a fixed sum, or as a combination of both in the alternative by requiring~~
7 ~~payment of the greater or lesser of either a percentage of the person's income or a~~
8 ~~fixed sum~~ unless the parties have stipulated to expressing the amount as a
9 percentage of the payer's income and the requirements under s. 767.10 (2) (am) 1. to
10 3. are satisfied. The amount so ordered to be paid may be changed or modified by the
11 court upon notice of motion or order to show cause by either party upon sufficient
12 evidence.

13 ***b0549/1.1* SECTION 3786d.** 767.10 (2) (am) of the statutes is created to read:

14 767.10 (2) (am) A court may not approve a stipulation for expressing child
15 support or family support as a percentage of the payer's income unless all of the
16 following apply:

17 1. The state is not a real party in interest in the action under any of the
18 circumstances specified in s. 767.075 (1).

19 2. The payer is not subject to any other order, in any other action, for the
20 payment of child or family support or maintenance.

21 3. All payment obligations included in the order, other than the annual
22 receiving and disbursing fee under s. 767.29 (1) (d), are expressed as a percentage
23 of the payer's income.

24 ***b0549/1.1* SECTION 3786e.** 767.23 (1) (c) of the statutes is amended to read:

1 767.23 (1) (c) Subject to s. 767.477, requiring either party or both parties to
2 make payments for the support of minor children, which payment amounts ~~may~~
3 must be expressed as a percentage of parental income or as a fixed sum, or as a
4 combination of both in the alternative by requiring payment of the greater or lesser
5 of either a percentage of parental income or a fixed sum unless the parties have
6 stipulated to expressing the amount as a percentage of the payer's income and the
7 requirements under s. 767.10 (2) (am) 1. to 3. are satisfied.

8 ***b0549/1.1* SECTION 3786f.** 767.25 (1) (a) of the statutes is amended to read:

9 767.25 (1) (a) Order either or both parents to pay an amount reasonable or
10 necessary to fulfill a duty to support a child. The support amount ~~may~~ must be
11 expressed as a ~~percentage of parental income or as a fixed sum, or as a combination~~
12 ~~of both in the alternative by requiring payment of the greater or lesser of either a~~
13 ~~percentage of parental income or a fixed sum~~ unless the parties have stipulated to
14 expressing the amount as a percentage of the payer's income and the requirements
15 under s. 767.10 (2) (am) 1. to 3. are satisfied.

16 ***b0549/1.1* SECTION 3786g.** 767.263 (1) of the statutes is amended to read:

17 767.263 (1) Each order for child support, family support, or maintenance
18 payments shall include an order that the payer and payee notify the county child
19 support agency under s. 59.53 (5) of any change of address within 10 business days
20 of such change. Each order for child support, family support, or maintenance
21 payments shall also include an order that the payer notify the county child support
22 agency under s. 59.53 (5) and the payee, within 10 business days, of any change of
23 employer and of any substantial change in the amount of his or her income, including
24 receipt of bonus compensation, such that his or her ability to pay child support,
25 family support, or maintenance is affected. The order shall also include a statement

1 that clarifies that notification of any substantial change in the amount of the payer's
2 income will not result in a change of the order unless a revision of the order under
3 s. 767.32 or an annual adjustment of the child or family support amount under s.
4 767.33 is sought.

5 *~~0529/6.9~~* SECTION 3787. 767.265 (1) of the statutes is amended to read:

6 767.265 (1) Each order for child support under this chapter, for maintenance
7 payments under s. 767.23 or 767.26, for family support under this chapter, for costs
8 ordered under s. 767.51 (3) or 767.62 (4), for support by a spouse under s. 767.02 (1)
9 (f), or for maintenance payments under s. 767.02 (1) (g) or for, each order for or
10 obligation to pay the annual receiving and disbursing fee under s. 767.29 (1) (d), each
11 order for a revision in a judgment or order with respect to child support,
12 maintenance, or family support payments under s. 767.32, each stipulation
13 approved by the court or the family court commissioner for child support under this
14 chapter, and each order for child or spousal support entered under s. 948.22 (7)
15 constitutes an assignment of all commissions, earnings, salaries, wages, pension
16 benefits, benefits under ch. 102 or 108, lottery prizes that are payable in instalments,
17 and other money due or to be due in the future to the department or its designee. The
18 assignment shall be for an amount sufficient to ensure payment under the order,
19 obligation, or stipulation and to pay any arrearages due at a periodic rate not to
20 exceed 50% of the amount of support due under the order, obligation, or stipulation
21 so long as the addition of the amount toward arrearages does not leave the party at
22 an income below the poverty line established under 42 USC 9902 (2).

23 *~~0529/6.10~~* SECTION 3788. 767.265 (1m) of the statutes is amended to read:

24 767.265 (1m) If a party's current obligation to pay maintenance, child support,
25 spousal support, or family support or the annual receiving and disbursing fee

1 terminates but the party has an arrearage in the payment of one or more of those
2 payments, ~~the or in the payment of the annual receiving and disbursing fee, any~~
3 assignment under sub. (1) shall continue in effect, in an amount up to the amount
4 of the assignment before the party's current obligation terminated, until the
5 arrearage is paid in full.

6 *b0549/1.2* SECTION 3788g. 767.265 (3m) of the statutes is amended to read:

7 767.265 (3m) Benefits under ch. 108 may be assigned and withheld only in the
8 manner provided in s. 108.13 (4). Any order to withhold benefits under ch. 108 may
9 ~~shall~~ be for a percentage of benefits payable ~~or for a fixed sum, or for a combination~~
10 ~~of both in the alternative by requiring the withholding of the greater or lesser of~~
11 ~~either a percentage of benefits payable or a fixed sum unless the court-ordered~~
12 ~~obligation on which the withholding order is based is expressed in the court order as~~
13 ~~a percentage of the payer's income, in which case an order to withhold benefits under~~
14 ~~ch. 108 shall be for a percentage of benefits payable.~~ When money is to be withheld
15 from these benefits, no fee may be deducted from the amount withheld and no fine
16 may be levied for failure to withhold the money.

17 *-0529/6.11* SECTION 3789. 767.29 (1) (d) of the statutes is amended to read:

18 767.29 (1) (d) For receiving and disbursing maintenance, child support, or
19 family support payments, including arrears in any of those payments, and for
20 maintaining the records required under par. (c), the department or its designee shall
21 collect an annual fee of \$25 ~~\$35~~. The court or family court commissioner shall order
22 each party ordered to make payments to pay the annual fee under this paragraph in
23 each year for which payments are ordered or in which an arrearage in any of those
24 payments is owed. In directing the manner of payment of the annual fee, the court
25 or family court commissioner shall order that the annual fee be withheld from income

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

10 ***-0529/6.12*** SECTION 3790. 767.29 (1) (dm) 1m. of the statutes is amended to
11 read:

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

1 not deduct the amount of unpaid fees from any maintenance or, child or family
2 support, or arrearage payment.

3 *b0549/1.3* SECTION 3793e. 767.32 (1) (a) of the statutes is amended to read:

4 767.32 (1) (a) After a judgment or order providing for child support under this
5 chapter or s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b)
6 4., 938.357 (5m) (a), 938.363 (2), or 948.22 (7), maintenance payments under s.
7 767.26, or family support payments under this chapter, or for the appointment of
8 trustees under s. 767.31, the court may, from time to time, on the petition, motion,
9 or order to show cause of either of the parties, or upon the petition, motion, or order
10 to show cause of the department, a county department under s. 46.215, 46.22, or
11 46.23, or a county child support agency under s. 59.53 (5) if an assignment has been
12 made under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4) (h), or 49.45 (19) or if
13 either party or their minor children receive aid under s. 48.57 (3m) or (3n) or ch. 49,
14 and upon notice to the family court commissioner, revise and alter such judgment or
15 order respecting the amount of such maintenance or child support and the payment
16 thereof, and also respecting the appropriation and payment of the principal and
17 income of the property so held in trust, and may make any judgment or order
18 respecting any of the matters that such court might have made in the original action,
19 except that a judgment or order that waives maintenance payments for either party
20 shall not thereafter be revised or altered in that respect nor shall the provisions of
21 a judgment or order with respect to final division of property be subject to revision
22 or modification. ~~A~~ Except as provided in par. (d), a revision, under this section, of
23 a judgment or order with respect to an amount of child or family support may be made
24 only upon a finding of a substantial change in circumstances. In any action under
25 this section to revise a judgment or order with respect to maintenance payments, a

1 substantial change in the cost of living by either party or as measured by the federal
2 bureau of labor statistics may be sufficient to justify a revision of judgment or order
3 with respect to the amount of maintenance, except that a change in an obligor's cost
4 of living is not in itself sufficient if payments are expressed as a percentage of income.

5 ***b0549/1.3* SECTION 3793f.** 767.32 (1) (d) of the statutes is created to read:

6 767.32 (1) (d) In an action under this section to revise a judgment or order with
7 respect to child or family support, the court is not required to make a finding of a
8 substantial change in circumstances to change to a fixed sum the manner in which
9 the amount of child or family support is expressed in the judgment or order.

10 ***b0549/1.3* SECTION 3793g.** 767.33 of the statutes is repealed and recreated
11 to read:

12 **767.33 Annual adjustments in support orders.** (1) (a) An order for child
13 or family support under this chapter may provide for an annual adjustment in the
14 amount to be paid based on a change in the payer's income if the amount of child or
15 family support is expressed in the order as a fixed sum and based on the percentage
16 standard established by the department under s. 49.22 (9). No adjustment may be
17 made under this section unless the order provides for the adjustment.

18 (b) An adjustment under this section may not be made more than once in a year
19 and shall be determined on the basis of the percentage standard established by the
20 department under s. 49.22 (9).

21 (c) In the order the court or family court commissioner shall specify what
22 information the parties must exchange to determine whether the payer's income has
23 changed, and shall specify the manner and timing of the information exchange.

24 (2) If the court or family court commissioner provides for an annual
25 adjustment, the court or family court commissioner shall make available to the

1 parties, including the state if the state is a real party in interest under s. 767.075 (1),
2 a form approved by the court or family court commissioner for the parties to use in
3 stipulating to an adjustment of the amount of child or family support and to
4 modification of any applicable income-withholding order. The form shall include an
5 order, to be signed by a judge or family court commissioner, for approval of the
6 stipulation of the parties.

7 (3) (a) If the payer's income changes from the amount found by the court or
8 family court commissioner or stipulated to by the parties for the current child or
9 family support order, the parties may implement an adjustment under this section
10 by stipulating, on the form under sub. (2), to the changed income amount and the
11 adjusted child or family support amount, subject to sub. (1) (b).

12 (b) The stipulation form must be signed by all parties, including the state if the
13 state is a real party in interest under s. 767.075 (1), and filed with the court. If the
14 stipulation is approved, the order shall be signed by a judge or family court
15 commissioner and implemented in the same manner as an order for a revision under
16 s. 767.32. An adjustment under this subsection shall be effective as of the date on
17 which the order is signed by the judge or family court commissioner.

18 (4) (a) Any party, including the state if the state is a real party in interest under
19 s. 767.075 (1), may file a motion, petition, or order to show cause for implementation
20 of an annual adjustment under this section if any of the following applies:

- 21 1. A party refuses to provide the information required by the court under sub.
22 (1) (c).
- 23 2. The payer's income changes, but a party refuses to sign the stipulation for
24 an adjustment in the amount of child or family support.

1 (b) If the court or family court commissioner determines after a hearing that
2 an adjustment should be made, the court or family court commissioner shall enter
3 an order adjusting the child or family support payments by the amount determined
4 by the court or family court commissioner, subject to sub. (1) (b). An adjustment
5 under this subsection may not take effect before the date on which the party
6 responding to the motion, petition, or order to show cause received notice of the action
7 under this subsection.

8 (c) Notwithstanding par. (b), the court or family court commissioner may direct
9 that all or part of the adjustment not take effect until such time as the court or family
10 court commissioner directs, if any of the following applies:

11 1. The payee was seeking an adjustment and the payer establishes that
12 extraordinary circumstances beyond his or her control prevent fulfillment of the
13 adjusted child or family support obligation.

14 2. The payer was seeking an adjustment and the payee establishes that the
15 payer voluntarily and unreasonably reduced his or her income below his or her
16 earning capacity.

17 3. The payer was seeking an adjustment and the payee establishes that the
18 adjustment would be unfair to the child.

19 (d) If in an action under this subsection the court or family court commissioner
20 determines that a party has unreasonably failed to provide the information required
21 under sub. (1) (c) or to provide the information on a timely basis, or unreasonably
22 failed or refused to sign a stipulation for an annual adjustment, the court or family
23 court commissioner may award to the aggrieved party actual costs, including service
24 costs, any costs attributable to time missed from employment, the cost of travel to
25 and from court, and reasonable attorney fees.

1 (5) Nothing in this section affects a party's right to file at any time a motion,
2 petition, or order to show cause under s. 767.32 for revision of a judgment or order
3 with respect to an amount of child or family support.

4 ***-0426/4.51* SECTION 3794.** 767.62 (5) (b) of the statutes is amended to read:

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

11 ***-1394/2.76* SECTION 3795.** 778.02 of the statutes is amended to read:

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

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

4 ***-1394/2.77* SECTION 3796.** 778.03 of the statutes is amended to read:

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

14 ***-1394/2.78* SECTION 3797.** 778.06 of the statutes is amended to read:

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

25 ***-1394/2.79* SECTION 3798.** 778.10 of the statutes is amended to read:

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

21 ***-1394/2.80*** SECTION 3799. 778.105 of the statutes is amended to read:

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

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

5 ***-1394/2.81* SECTION 3800.** 778.13 of the statutes is amended to read:

6 **778.13 Forfeitures collected, to whom paid.** All moneys collected in favor
7 of the state for forfeiture, except the portion to be paid to any person who sues with
8 the state, shall be paid by the officer who collects the forfeiture to the treasurer of the
9 county within which the forfeiture was incurred within 20 days after its receipt. In
10 case of any failure in the payment the county treasurer may collect the payment of
11 the officer by action, in the name of the office and upon the official bond of the officer,
12 with interest at the rate of 12% per year from the time when it should have been paid.

13 Penalty assessment payments shall be made as provided in s. 757.05. Jail
14 assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories
15 and drug law enforcement assessment payments shall be paid as provided in s.
16 165.755. Domestic abuse assessments shall be made as provided in s. 973.055.
17 Enforcement assessments shall be made as provided in s. 253.06 (4) (c). Consumer
18 information protection assessment payments shall be made as provided in s.
19 100.261.

20 ***-1394/2.82* SECTION 3801.** 778.18 of the statutes is amended to read:

21 **778.18 Penalty upon municipal judge.** If any municipal judge, of his or her
22 own will, dismisses any action brought before the judge under this chapter, unless
23 by order of the district attorney or attorney general or the person joined as plaintiff
24 with the state, or renders a less judgment therein than is prescribed by law, or
25 releases or discharges any such judgment or part thereof without payment or

1 collection, the judge and the judge's sureties shall be liable, in an action upon the
2 judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture
3 imposed by the judge and for the penalty assessment imposed by s. 757.05, the jail
4 assessment imposed by s. 302.46 (1), the crime laboratories and drug law
5 enforcement assessment imposed by s. 165.755, any applicable consumer
6 ~~information~~ protection assessment imposed by s. 100.261, and any applicable
7 domestic abuse assessment imposed by s. 973.055 (1), or for an amount equal to the
8 amount in which any such judgment or any part thereof is released or discharged.
9 If any municipal judge gives time or delay to any person against whom any such
10 judgment is rendered by the judge, or takes any bond or security for its future
11 payment, the judge and the judge's sureties shall also be liable for the payment of the
12 judgment upon the judge's bond.

13 ***-1394/2.98* SECTION 3817.** 800.02 (2) (a) 8. of the statutes is amended to read:

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

22 ***-1394/2.99* SECTION 3818.** 800.02 (3) (a) 5. of the statutes is amended to read:

23 800.02 (3) (a) 5. A plain and concise statement of the violation identifying the
24 event or occurrence from which the violation arose and showing that the plaintiff is
25 entitled to relief, the ordinance, resolution or bylaw upon which the cause of action

1 is based and a demand for a forfeiture, the amount of which shall not exceed the
2 maximum set by the statute involved, the penalty assessment, the jail assessment,
3 the crime laboratories and drug law enforcement assessment, any applicable
4 consumer ~~information~~ protection assessment, any applicable domestic abuse
5 assessment, and such other relief that is sought by the plaintiff.

6 ***-1394/2.100* SECTION 3819.** 800.03 (3) of the statutes is amended to read:

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

16 ***-1394/2.101* SECTION 3820.** 800.04 (2) (b) of the statutes is amended to read:

17 800.04 (2) (b) If the municipal judge determines that the defendant should not
18 be released under par. (a) and the defendant is charged with a traffic or boating
19 violation, the municipal judge shall release the defendant on a deposit in the amount
20 established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66.
21 For other violations, the municipal judge shall establish a deposit in an amount not
22 to exceed the maximum penalty for the offense, including any penalty assessment
23 that would be applicable under s. 757.05, any jail assessment that would be
24 applicable under s. 302.46 (1), any crime laboratories and drug law enforcement
25 assessment that would be applicable under s. 165.755, any consumer ~~information~~

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

11 ***-1394/2.102* SECTION 3821.** 800.04 (2) (c) of the statutes is amended to read:

12 800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03
13 and does not appear, he or she is deemed to have tendered a plea of no contest and
14 submits to a forfeiture, a penalty assessment imposed by s. 757.05, a jail assessment
15 imposed by s. 302.46 (1), a crime laboratories and drug law enforcement assessment
16 imposed by s. 165.755, any applicable consumer information protection assessment
17 imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s.
18 973.055 (1) plus costs, including the fee prescribed in s. 814.65 (1), not exceeding the
19 amount of the deposit. The court may either accept the plea of no contest and enter
20 judgment accordingly, or reject the plea and issue a summons. If the court finds that
21 the violation meets the conditions in s. 800.093 (1), the court may summon the
22 alleged violator into court to determine if restitution shall be ordered under s.
23 800.093. If the defendant fails to appear in response to the summons, the court shall
24 issue a warrant under s. 968.09. If the defendant has made a deposit but does appear,
25 the court shall allow the defendant to withdraw the plea of no contest.

1 ***-1394/2.103*** SECTION 3822. 800.09 (1) (intro.) of the statutes is amended to
2 read:

3 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it
4 may render judgment by ordering restitution under s. 800.093 and payment of a
5 forfeiture, the penalty assessment imposed by s. 757.05, the jail assessment imposed
6 by s. 302.46 (1), the crime laboratories and drug law enforcement assessment
7 imposed by s. 165.755, any applicable consumer information protection assessment
8 imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s.
9 973.055 (1) plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The
10 court shall apply any payment received on a judgment that includes restitution to
11 first satisfy any payment of restitution ordered, then to pay the forfeiture,
12 assessments, and costs. If the judgment is not paid, the court may proceed under par.
13 (a), (b), or (c) or any combination of those paragraphs, as follows:

14 ***-1394/2.104*** SECTION 3823. 800.09 (1) (a) of the statutes is amended to read:
15 800.09 (1) (a) The court may defer payment of any judgment or provide for
16 instalment payments. At the time the judgment is rendered, the court shall inform
17 the defendant, orally and in writing, of the date by which restitution and the
18 payment of the forfeiture, the penalty assessment, the jail assessment, the crime
19 laboratories and drug law enforcement assessment, any applicable consumer
20 information protection assessment, and any applicable domestic abuse assessment
21 plus costs must be made, and of the possible consequences of failure to do so in timely
22 fashion, including imprisonment, as provided in s. 800.095, or suspension of the
23 defendant's motor vehicle operating privilege, as provided in par. (c), if applicable.
24 If the defendant is not present, the court shall ensure that the information is sent
25 to the defendant by mail. In 1st class cities, all of the written information required

1 by this paragraph shall be printed in English and Spanish and provided to each
2 defendant.

3 ***-1394/2.105* SECTION 3824.** 800.09 (2) (b) of the statutes is amended to read:

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

20 ***-1394/2.106* SECTION 3825.** 800.10 (2) of the statutes is amended to read:

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

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

9 ***-1394/2.107* SECTION 3826.** 800.12 (2) of the statutes is amended to read:

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

17 ***-0606/2.1* SECTION 3827.** 801.02 (7) (a) 1. of the statutes is repealed.

18 ***-0606/2.2* SECTION 3828.** 801.02 (7) (a) 2. (intro.) of the statutes is amended
19 to read:

20 801.02 (7) (a) 2. (intro.) "Prisoner" means any person who is incarcerated,
21 imprisoned, or otherwise detained ~~in a correctional institution or~~ and who is in the
22 custody of the department of corrections or of the sheriff, superintendent, or other
23 keeper of a jail or house of corrections or any person who is arrested or otherwise
24 detained by a law enforcement officer. "Prisoner" does not include any of the
25 following:

1 ***b0428/1.2* SECTION 3828p.** 808.04 (2) of the statutes is amended to read:

2 808.04 (2) An appeal under s. 9.10 (4) (c), 227.60, or 799.445 shall be initiated
3 within 15 days after entry of the judgment or order appealed from.

4 ***b0549/1.4* SECTION 3828r.** 808.075 (4) (d) 3. of the statutes is amended to
5 read:

6 808.075 (4) (d) 3. Annual adjustment of child or family support under s. 767.33.

7 ***-0448/3.1* SECTION 3829.** 808.075 (4) (fn) 10. of the statutes is created to read:

8 808.075 (4) (fn) 10. Extension, under s. 938.538 (4m) (a) 2., of a placement
9 under s. 938.538 (3) (a) 1.

10 ***-0606/2.3* SECTION 3830.** 813.02 (1) (c) 1. of the statutes is amended to read:

11 813.02 (1) (c) 1. The court may not issue the injunction until giving notice and
12 an opportunity to be heard on the request for a preliminary injunction to the attorney
13 general, if the case involves a prisoner in ~~a state correctional institution, as defined~~
14 ~~in s. 801.02 (7) (a) 1. the custody of the department of corrections,~~ or to the attorney
15 representing the local correctional institution involved and to all other interested
16 parties. Any injunction issued without giving notice and an opportunity to be heard
17 is void.

18 ***b0458/2.1* SECTION 3830d.** 813.125 (3) (a) (intro.) of the statutes is amended
19 to read:

20 813.125 (3) (a) (intro.) A judge or court commissioner may issue a temporary
21 restraining order ordering the respondent to cease or avoid the harassment of
22 another person, to avoid the petitioner's residence, except as provided in par. (am),
23 or any premises temporarily occupied by the petitioner or both, or any combination
24 of these remedies requested in the petition, if all of the following occur:

25 ***b0458/2.1* SECTION 3830f.** 813.125 (3) (am) of the statutes is created to read:

1 813.125 (3) (am) If the petitioner and the respondent are not married, and the
2 respondent owns the premises where the petitioner resides, and the petitioner has
3 no legal interest in the premises, in lieu of ordering the respondent to avoid the
4 petitioner's residence under par. (a) the judge or court commissioner may order the
5 respondent to avoid the premises for a reasonable time until the petitioner relocates
6 and shall order the respondent to avoid the new residence for the duration of the
7 order.

8 ***b0458/2.1* SECTION 3830h.** 813.125 (4) (a) (intro.) of the statutes is amended
9 to read:

10 813.125 (4) (a) (intro.) A judge or court commissioner may grant an injunction
11 ordering the respondent to cease or avoid the harassment of another person, to avoid
12 the petitioner's residence, except as provided in par. (am), or any premises
13 temporarily occupied by the petitioner or both, or any combination of these remedies
14 requested in the petition, if all of the following occur:

15 ***b0458/2.1* SECTION 3830j.** 813.125 (4) (am) of the statutes is created to read:

16 813.125 (4) (am) If the petitioner and the respondent are not married, and the
17 respondent owns the premises where the petitioner resides, and the petitioner has
18 no legal interest in the premises, in lieu of ordering the respondent to avoid the
19 petitioner's residence under par. (a) the judge or court commissioner may order the
20 respondent to avoid the premises for a reasonable time until the petitioner relocates
21 and shall order the respondent to avoid the new residence for the duration of the
22 order.

23 ***b0549/1.5* SECTION 3830m.** 814.04 (intro.) of the statutes, as affected by 2001
24 Wisconsin Act 6, is amended to read:

1 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.30 (5m),
2 106.50 (6) (i) and (6m) (a), 115.80 (9), 281.36 (2) (b) 1., 767.33 (4) (d), 769.313, 814.025,
3 814.245, 895.035 (4), 895.10 (3), 895.75 (3), 895.77 (2), 895.79 (3), 895.80 (3), 943.212
4 (2) (b), 943.245 (2) (d) and 943.51 (2) (b), when allowed costs shall be as follows:

5 *~~0454/3.8~~* **SECTION 3832.** 814.60 (2) (ai) of the statutes is amended to read:
6 814.60 (2) (ai) Consumer ~~information~~ protection assessment imposed by s.
7 100.261.

3832c

8 ***b0336/2.22*** ~~SECTION 3832m~~ 814.60 (2) (eg) of the statutes is created to read:
9 814.60 (2) (eg) Truck driver education assessment imposed by s. 349.04.

10 ***b0246/1.1*** **SECTION 3832k.** 814.615 (1) (a) 3. of the statutes is amended to
11 read:

12 814.615 (1) (a) 3. For a study under s. 767.11 (14), a fee of \$300 \$500.

13 ***b0338/1.6*** **SECTION 3832m.** 814.63 (1) (c) of the statutes is amended to read:
14 814.63 (1) (c) This subsection does not apply to an action for a violation of s.
15 101.123 (2) (a), (am) 1., (ar) ~~or~~, (bm), or (br) or (5) or a safety belt use violation under
16 s. 347.48 (2m).

17 *~~0454/3.9~~* **SECTION 3834.** 814.63 (3) (ai) of the statutes is amended to read:
18 814.63 (3) (ai) Consumer ~~information~~ protection assessment imposed by s.
19 100.261.

20 ***b0336/2.23*** **SECTION 3834m.** 814.63 (3) (g) of the statutes is created to read:
21 814.63 (3) (g) Truck driver education assessment imposed by s. 349.04.

22 ***b0247/3.1*** **SECTION 3836d.** 814.67 (1) (b) 2. of the statutes is amended to
23 read:

24 814.67 (1) (b) 2. For interpreters, ~~\$35 per one-half day~~ \$20 per hour.

25 ***b0703/1.2*** **SECTION 3836r.** 814.69 (1) (b) of the statutes is amended to read:

1 814.69 (1) (b) For a transcript under s. 757.57 (5), a fee from the party
2 requesting the transcript at the rate of ~~\$1.75~~ \$2.25 per 25–line page for the original
3 and ~~60~~ 50 cents per 25–line page for each copy. If the request is by the state or any
4 political subdivision thereof, the fees of the reporter shall be at the rates provided in
5 par. (a).

6 ***b0703/1.2* SECTION 3836s.** 814.69 (1) (bm) of the statutes is created to read:

7 814.69 (1) (bm) If a party requests that a transcript under s. 757.57 (5) be
8 prepared within 7 days after the request and the transcript is not required by
9 supreme court rule or statute to be prepared within that 7–day period, a fee in
10 addition to the fee under par. (b) of 75 cents per 25–line page for the original and 25
11 cents for each copy. The fee under this paragraph does not apply to a request made
12 by the state or a political subdivision of the state.

13 ***-0433/4.1* SECTION 3843.** 867.035 (1) (a) (intro.) of the statutes is amended
14 to read:

15 867.035 (1) (a) (intro.) ~~Except as provided in~~ Subject to par. (bm), the
16 department of health and family services may collect from the property of a decedent,
17 including funds of a decedent that are held by the decedent immediately before death
18 in a joint account or a P.O.D. account, by affidavit under ~~this section sub. (2) or by~~
19 lien under sub. (2m) an amount equal to the medical assistance that is recoverable
20 under s. 49.496 (3) (a), the long–term community support services under s. 46.27 that
21 is recoverable under s. 46.27 (7g) (c) 1., the family care benefit that is recoverable
22 under rules promulgated under s. 46.286 (7), or the aid under s. 49.68, 49.683, or
23 49.685 that is recoverable under s. 49.682 (2) (a) and that was paid on behalf of the
24 decedent or the decedent’s spouse, if all of the following conditions are satisfied:

25 ***-0433/4.2* SECTION 3844.** 867.035 (1) (a) 1. of the statutes is amended to read:

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

3 ***-0433/4.3* SECTION 3845.** 867.035 (1) (bm) (intro.) of the statutes is amended
4 to read:

5 867.035 (1) (bm) (intro.) The department of health and family services ~~may not~~
6 ~~collect by affidavit under this section from any of~~ shall reduce the amount of its
7 recovery under par. (a) by up to the amount specified in s. 861.33 (2) if necessary to
8 allow the decedent's heirs or beneficiaries under the decedent's will to retain the
9 following personal property of the decedent:

10 ***-0433/4.4* SECTION 3846.** 867.035 (1) (bm) 1. of the statutes is repealed.

11 ***-0433/4.5* SECTION 3847.** 867.035 (1) (bm) 2. of the statutes is amended to
12 read:

13 867.035 (1) (bm) 2. Wearing apparel and jewelry held for personal use.

14 ***-0433/4.6* SECTION 3848.** 867.035 (1) (bm) 3. of the statutes is amended to
15 read:

16 867.035 (1) (bm) 3. Household furniture, furnishings, and appliances.

17 ***-0433/4.7* SECTION 3849.** 867.035 (1) (bm) 4. of the statutes is repealed and
18 recreated to read:

19 867.035 (1) (bm) 4. Other tangible personal property not used in trade,
20 agriculture, or other business, not exceeding in value the amount specified in s.
21 861.33 (1) (a) 4.

22 ***-0433/4.8* SECTION 3850.** 867.035 (2) of the statutes is amended to read:

23 867.035 (2) A person who possesses property of a decedent shall transmit the
24 property to the department of health and family services, if the conditions in sub. (1)
25 (a) 1. to 4. are satisfied, upon receipt of an affidavit by a person designated by the

1 secretary of health and family services to administer this section showing that the
2 conditions in sub. (1) (a) are satisfied department paid on behalf of the decedent or
3 the decedent's spouse recoverable benefits specified in sub. (1) (a). Upon transmittal,
4 the person is released from any obligation to other creditors or heirs of the decedent.

5 *~~0433/4.9~~* SECTION 3851. 867.035 (2m) of the statutes is created to read:

6 867.035 (2m) (a) If the conditions in sub. (1) (a) 1., 2., and 4. are satisfied, the
7 department of health and family services shall have a lien in the amount that it may
8 recover under sub. (1) (a) on any interest in the decedent's home, as defined in s.
9 49.496 (1) (b), transferred under s. 867.03 (1g). The department may record the lien
10 in the office of the register of deeds of the county in which the real property is located.
11 The department may enforce the lien by foreclosure in the same manner as a
12 mortgage on real property, unless any of the following is alive:

13 1. The decedent's spouse.

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

16 (b) If the conditions in sub. (1) (a) 1. to 4. are satisfied, the department of health
17 and family services shall have a lien in the amount that it may recover under sub.
18 (1) (a) on any interest in any real property of the decedent transferred under s. 867.03
19 (1g). The department may record the lien in the office of the register of deeds of the
20 county in which the real property is located and may enforce the lien by foreclosure
21 in the same manner as a mortgage on real property.

22 *~~0094/5.3~~* SECTION 3852. 885.37 (title) of the statutes is amended to read:

23 885.37 (title) **Interpreters for persons with language difficulties or**
24 **hearing or speaking impairments limited English proficiency.**

1 *~~0094/5.4~~* SECTION 3853. 885.37 (1) of the statutes is renumbered 885.37
2 (1m), and 885.37 (1m) (b), as renumbered, is amended to read:

3 885.37 (1m) (b) If a court has notice that a person who fits any of the criteria
4 under par. (a) has ~~a language difficulty because of the inability to speak or~~
5 ~~understand English, has a hearing impairment, is unable to speak or has a speech~~
6 ~~defect the court shall make a factual determination of whether the language~~
7 ~~difficulty or the hearing or speaking impairment is sufficient to prevent the~~
8 ~~individual from communicating with his or her attorney, reasonably understanding~~
9 ~~the English testimony or reasonably being understood in English. If the court~~
10 ~~determines that, limited English proficiency and that an interpreter is necessary, the~~
11 ~~court shall advise the person that he or she has a right to a qualified interpreter and~~
12 ~~that, if the person cannot afford one, an interpreter will be provided for him or her~~
13 ~~at the public's expense. Any waiver of the right to an interpreter is effective only if~~
14 ~~made voluntarily in person, in open court and on the record.~~

15 *~~0094/5.5~~* SECTION 3854. 885.37 (1g) of the statutes is created to read:

16 885.37 (1g) In this section, “limited English proficiency” means any of the
17 following:

18 (a) The inability, because of the use of a language other than English, to
19 adequately understand or communicate effectively in English in a court proceeding.

20 (b) The inability, due to a speech impairment, hearing loss, deafness,
21 deaf-blindness, or other disability, to adequately hear, understand, or communicate
22 effectively in English in a court proceeding.

23 *~~0094/5.6~~* SECTION 3855. 885.37 (2) of the statutes is amended to read:

24 885.37 (2) A court may authorize the use of an interpreter in actions or
25 proceedings in addition to those specified in sub. (1) (1m).

1 *~~0094/5.7~~* SECTION 3856. 885.37 (3) (b) of the statutes is amended to read:

2 885.37 (3) (b) In any administrative contested case proceeding before a state,
3 county, or municipal agency, if the agency conducting the proceeding has notice that
4 a party to the proceeding has ~~a language difficulty because of the inability to speak~~
5 ~~or understand English, has a hearing impairment, is unable to speak or has a speech~~
6 ~~defect, the agency shall make a factual determination of whether the language~~
7 ~~difficulty or hearing or speaking impairment is sufficient to prevent the party from~~
8 ~~communicating with others, reasonably understanding the English testimony or~~
9 ~~reasonably being understood in English. If the agency determines limited English~~
10 ~~proficiency and that an interpreter is necessary, the agency shall advise the party~~
11 ~~that he or she has a right to a qualified interpreter. After considering the party's~~
12 ~~ability to pay and the other needs of the party, the agency may provide for an~~
13 ~~interpreter for the party at the public's expense. Any waiver of the right to an~~
14 ~~interpreter is effective only if made at the administrative contested case proceeding.~~

15 *~~0094/5.8~~* SECTION 3857. 885.37 (3m) of the statutes is amended to read:

16 885.37 (3m) Any agency may authorize the use of ~~an~~ a qualified interpreter in
17 a contested case proceeding for a person who is not a party but who has a substantial
18 interest in the proceeding.

19 *~~0094/5.9~~* SECTION 3858. 885.37 (4) (a) (intro.) of the statutes is amended to
20 read:

21 885.37 (4) (a) (intro.) The necessary expense of furnishing ~~an~~ a qualified
22 ~~interpreter for an indigent person under sub. (1) (1m) or (2) shall be paid as follows:~~

23 *~~0094/5.10~~* SECTION 3859. 885.37 (4) (b) of the statutes is amended to read:

1 885.37 (4) (b) The necessary expense of furnishing an a qualified interpreter
2 for an indigent party under sub. (3) shall be paid by the unit of government for which
3 the proceeding is held.

4 ***-0094/5.11* SECTION 3860.** 885.37 (5) (a) of the statutes is amended to read:

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

8 ***-0094/5.12* SECTION 3861.** 885.37 (6) to (10) of the statutes are created to
9 read:

10 885.37 (6) (a) If a person with limited English proficiency requests the
11 assistance of the clerk of circuit courts regarding a legal proceeding, the clerk may
12 provide the assistance of a qualified interpreter to respond to the person's inquiry.

13 (b) A qualified interpreter appointed under this section may, with the approval
14 of the court, provide interpreter services outside the court room that are related to
15 the court proceedings, including during court-ordered psychiatric or medical exams
16 or mediation.

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

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

1 (c) Any party to a court proceeding may object to the use of any qualified
2 interpreter for good cause. The court may remove a qualified interpreter for good
3 cause.

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

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

11 *b0218/2.1* SECTION 3862c. 891.45 of the statutes is renumbered 891.45 (2)
12 and amended to read:

13 891.45 (2) In any proceeding involving the application by a state, county, or
14 municipal fire fighter or his or her beneficiary for disability or death benefits under
15 s. 66.191, 1981 stats., or s. 40.65 (2) or any pension or retirement system applicable
16 to fire fighters, where at the time of death or filing of application for disability
17 benefits the deceased or disabled ~~municipal~~ fire fighter had served a total of 5 years
18 as a state, county, or municipal fire fighter and a qualifying medical examination
19 given prior to the time of his or her ~~joining the department~~ becoming a state, county,
20 or municipal fire fighter showed no evidence of heart or respiratory impairment or
21 disease, and where the disability or death is found to be caused by heart or
22 respiratory impairment or disease, such finding shall be presumptive evidence that
23 such impairment or disease was caused by such employment. ~~In this section,~~
24 ~~“municipal fire fighter” includes any person designated as primarily a fire fighter~~

1 ~~under s. 61.66 (2) and any person under s. 61.66 whose duties as a fire fighter during~~
2 ~~the 5-year qualifying period took up at least two-thirds of his or her working hours.~~

3 ***b0218/2.1* SECTION 3862h.** 891.45 (1) of the statutes is created to read:

4 891.45 (1) In this section:

5 (a) “County fire fighter” means any person employed by a county whose duties
6 primarily include active fire suppression or prevention.

7 (b) “Municipal fire fighter” includes any person designated as primarily a fire
8 fighter under s. 61.66 (2) and any person under s. 61.66 whose duties as a fire fighter
9 during the 5-year qualifying period took up at least two-thirds of his or her working
10 hours.

11 (c) “State fire fighter” means any person employed by the state whose duties
12 primarily include active fire suppression or prevention and who is a protective
13 occupation participant, as defined in s. 40.02 (48).

14 ***b0218/2.1* SECTION 3862p.** 891.455 (1) of the statutes is amended to read:

15 891.455 (1) In this section, “state, county, or municipal fire fighter” means a
16 ~~municipal~~ fire fighter who is covered under s. 891.45 and any person under s. 61.66
17 whose duties as a fire fighter during the 10-year qualifying period specified in sub.
18 (2) took up at least two-thirds of his or her working hours.

19 ***b0218/2.1* SECTION 3862t.** 891.455 (2) of the statutes is amended to read:

20 891.455 (2) ~~Beginning with applications submitted by a municipal fire fighter~~
21 ~~or his or her beneficiary on May 12, 1998, in~~ In any proceeding involving an
22 application by a state, county, or municipal fire fighter or his or her beneficiary for
23 disability or death benefits under ~~s. 66.191, 1981 stats.,~~ or s. 40.65 (2) or any pension
24 or retirement system applicable to fire fighters, where at the time of death or filing
25 of application for disability benefits the deceased or disabled ~~municipal~~ fire fighter

1 had served a total of 10 years as a state, county, or municipal fire fighter and a
2 qualifying medical examination given prior to the time of his or her joining the
3 department becoming a state, county, or municipal fire fighter showed no evidence
4 of cancer, and where the disability or death is found to be caused by cancer, such
5 finding shall be presumptive evidence that the cancer was caused by such
6 employment.

7 *b0459/2.1* SECTION ~~3862t~~^{3862w} 893.335 of the statutes is created to read: ✓

8 **893.335 Actions concerning property development rights.** (1) In this
9 section:

10 (a) "Nonprofit organization" means an organization defined in s. 94.10 (1) (b)
11 that has jointly pursued or is currently pursuing the acquisition of property
12 development rights with the state, a state agency, or a political subdivision.

13 (b) "Political subdivision" means a city, village, town, or county, or a
14 department, division board, or other agency of a city, village, town, or county.

15 (c) "Property development rights" means the holder's nonpossessory interest
16 in real property imposing any limitation or affirmative obligation the purpose of
17 which may include retaining or protecting natural, scenic, or open space values of
18 real property, assuring the availability of real property for agricultural, forest,
19 recreational, or open space use, protecting natural resources, maintaining or
20 enhancing air or water quality, preserving a burial site, as defined in s. 157.70 (1) (b),
21 or preserving the historical, architectural, archaeological, or cultural aspects of real
22 property.

23 (d) "Value" means the amount paid for comparable property development
24 rights in an arm's-length sale completed within 12 months before the sale in
25 question.

(OVER)

1 (2) (a) A person who sells the property development rights for a period of 30
2 years or longer in real property or his or her heir or devisee shall bring an action
3 within 3 years after the sale of the property development rights to recover the
4 difference between the value of the property development rights and the sale price
5 of those rights or be barred.

6 (b) A person may bring an action under this subsection only if all of the
7 following conditions are met:

8 1. The purchaser is a nonprofit organization, the state, an agency of the state,
9 or a political subdivision.

10 2. The amount paid for the property development rights was at least 5% below
11 the value of the property development rights.

12 (c) If the transfer of the property development rights involved a gift, a person
13 may only recover for the portion of the transfer that was not a gift.

14 (3) The person who has the right to bring an action under sub. (2) may request
15 that the department of justice bring the action on behalf of the person.

16 (4) If the person under sub. (2) or the department of justice under sub. (3) is
17 successful in obtaining a judgment under this section, the court shall include in the
18 judgment compounded interest from the date that the property was sold, using the
19 interest rate charged for delinquent property taxes by the county in which the
20 property is located.

21 *b0618/1.1* SECTION ~~3862m~~ 893.587 of the statutes is amended to read:

22 **893.587 Incest Sexual assault of a child; limitation.** An action to recover
23 damages for injury caused by incest an act that would constitute a violation of s.
24 948.02, 948.025, 948.06, or 948.095 shall be commenced within 2 5 years after the
25 plaintiff discovers the fact and the probable cause, or with the exercise of reasonable

(OVER)

1 diligence should have discovered the fact and the probable cause, of the injury,
2 whichever occurs first. This section does not shorten the period to commence an
3 action provided under s. 893.16 (1).

4 *–1528/8.30* SECTION 3863. 895.11 of the statutes is created to read:

5 **895.11 Payments under the tobacco settlement agreement.** (1) In this
6 section, “tobacco settlement agreement” means the Attorneys General Master
7 Tobacco Settlement Agreement of November 23, 1998.

8 (2) The state’s participation in the tobacco settlement agreement is affirmed.

9 (3) All payments received and to be received by the state under the tobacco
10 settlement agreement are the property of the state, to be used as provided by law,
11 including a sale, assignment, or transfer of the right to receive the payments under
12 s. 16.63. No political subdivision of the state, and no officer or agent of any political
13 subdivision of the state, shall have or seek to maintain any claim related to the
14 tobacco settlement agreement or any claim against any party that was released from
15 liability by the state under the tobacco settlement agreement.

16 *–0549/1.19* SECTION 3864. 895.483 (title) of the statutes is amended to read:

17 **895.483 (title) Civil liability exemption; regional and county local**
18 **emergency response teams and their sponsoring agencies.**

19 *–0549/1.20* SECTION 3865. 895.483 (2) of the statutes is amended to read:

20 895.483 (2) A ~~county~~ local emergency response team, a member of such a team
21 and the county, city, village, or town that contracts to provide the emergency response
22 team to the county are immune from civil liability for acts or omissions related to
23 carrying out responsibilities pursuant to a designation under s. 166.21 (2m) (e).

24 *–0094/5.13* SECTION 3872. 905.015 of the statutes is amended to read:

1 **905.015 Interpreters for persons with language difficulties, limited**
2 **English proficiency, or hearing or speaking impairments.** If an interpreter
3 for a person with a language difficulty, limited English proficiency, as defined in s.
4 885.37 (1g), or a hearing or speaking impairment interprets as an aid to a
5 communication which is privileged by statute, rules adopted by the supreme court,
6 or the U.S. or state constitution, the interpreter may be prevented from disclosing
7 the communication by any person who has a right to claim the privilege. The
8 interpreter may claim the privilege but only on behalf of the person who has the
9 right. The authority of the interpreter to do so is presumed in the absence of evidence
10 to the contrary.

11 ***-1855/2.31*** SECTION 3873. 908.08 (1) of the statutes is amended to read:

12 908.08 (1) In any criminal trial or hearing, juvenile fact-finding hearing under
13 s. 48.31 or 938.31 or revocation hearing under s. 302.113 (9) (am), 302.114 (9) (am),
14 304.06 (3), or 973.10 (2), the court or hearing examiner may admit into evidence the
15 videotaped oral statement of a child who is available to testify, as provided in this
16 section.

17 ***-0447/3.7*** SECTION 3879. 938.183 (3) of the statutes is amended to read:

18 938.183 (3) Except as provided in s. 973.013 (3m), the department shall place
19 a juvenile under 15 years of age who is subject to a criminal penalty under sub. (1m)
20 or (2) in a secured correctional facility or a secured child caring institution. When
21 a juvenile who is subject to a criminal penalty under sub. (1m) or (2) attains the age
22 of ~~17~~ 15 years, the department may place the juvenile in a state prison named in s.
23 302.01. ~~If a juvenile who is subject to a criminal penalty under sub. (1m) or (2) is 15~~
24 ~~years of age or over, the department may transfer the juvenile to the Racine youthful~~
25 ~~offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). A~~

1 juvenile who is subject to a criminal penalty under sub. (1m) or (2) for an act
2 committed before December 31, 1999, is eligible for parole under s. 304.06.

3 ***-0448/3.2* SECTION 3880.** 938.185 (2) of the statutes is amended to read:

4 938.185 (2) Venue for any proceeding under s. 938.363 ~~or~~, 938.365, or 938.538
5 (4m) (a) 2. shall be in the county where the dispositional order was issued, unless the
6 juvenile's county of residence has changed, or the parent of the juvenile has resided
7 in a different county of this state for 6 months. In either case, the court may, upon
8 a motion and for good cause shown, transfer the case, along with all appropriate
9 records, to the county of residence of the juvenile or parent.

10 ***-0446/2.1* SECTION 3881.** 938.19 (1) (d) 6. of the statutes is amended to read:

11 938.19 (1) (d) 6. The juvenile has violated ~~the terms a condition~~ of
12 court-ordered supervision or aftercare supervision administered by the department
13 or a county department, a condition of the juvenile's placement in a Type 2 secured
14 correctional facility or a Type 2 child caring institution, or a condition of the juvenile's
15 participation in the intensive supervision program under s. 938.534.

16 ***-0446/2.2* SECTION 3882.** 938.20 (2) (cm) of the statutes is amended to read:

17 938.20 (2) (cm) If the juvenile has violated ~~the terms a condition~~ of aftercare
18 supervision administered by the department or a county department, a condition of
19 the juvenile's placement in a Type 2 secured correctional facility or a Type 2 child
20 caring institution, or a condition of the juvenile's participation in the intensive
21 supervision program under s. 938.534, the person who took the juvenile into custody
22 may release the juvenile to the department or county department, whichever has
23 aftercare supervision over the juvenile.

24 ***-0446/2.3* SECTION 3883.** 938.20 (7) (c) 1m. of the statutes is amended to read:

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

8 *~~0446/2.4~~* SECTION 3884. 938.20 (8) of the statutes is amended to read:

9 938.20 (8) If a juvenile is held in custody, the intake worker shall notify the
10 juvenile's parent, guardian, and legal custodian of the reasons for holding the
11 juvenile in custody and of the juvenile's whereabouts unless there is reason to believe
12 that notice would present imminent danger to the juvenile. If a juvenile who has
13 violated ~~the terms a condition~~ of aftercare supervision administered by the
14 department or a county department, a condition of the juvenile's placement in a Type
15 2 secured correctional facility or a Type 2 child caring institution, or a condition of
16 the juvenile's participation in the intensive supervision program under s. 938.534 is
17 held in custody, the intake worker shall also notify the department or county
18 department, whichever has supervision over the juvenile, of the reasons for holding
19 the juvenile in custody, of the juvenile's whereabouts, and of the time and place of the
20 detention hearing required under s. 938.21. The parent, guardian, and legal
21 custodian shall also be notified of the time and place of the detention hearing
22 required under s. 938.21, the nature and possible consequences of that hearing, and
23 the right to present and cross-examine witnesses at the hearing. If the parent,
24 guardian, or legal custodian is not immediately available, the intake worker or
25 another person designated by the court shall provide notice as soon as possible.

1 When the juvenile is alleged to have committed a delinquent act, the juvenile shall
2 receive the same notice about the detention hearing as the parent, guardian, or legal
3 custodian. The intake worker shall notify both the juvenile and the juvenile's parent,
4 guardian, or legal custodian.

5 ***-0446/2.5* SECTION 3885.** 938.205 (1) (c) of the statutes is amended to read:

6 938.205 (1) (c) That the juvenile will run away or be taken away so as to be
7 unavailable for proceedings of the court or its officers ~~or~~, proceedings of the division
8 of hearings and appeals in the department of administration for revocation of
9 aftercare supervision, or action by the department or county department relating to
10 a violation of a condition of the juvenile's placement in a Type 2 secured correctional
11 facility or a Type 2 child caring institution or a condition of the juvenile's
12 participation in the intensive supervision program under s. 938.534.

13 ***-0446/2.6* SECTION 3886.** 938.208 (1) (intro.) of the statutes is amended to
14 read:

15 938.208 (1) (intro.) Probable cause exists to believe that the juvenile has
16 committed a delinquent act and either presents a substantial risk of physical harm
17 to another person or a substantial risk of running away so as to be unavailable for
18 a court hearing ~~or~~, a revocation hearing for juveniles ~~on~~ of aftercare supervision
19 hearing, or action by the department or county department relating to a violation of
20 a condition of the juvenile's placement in a Type 2 secured correctional facility or a
21 Type 2 child caring institution or a condition of the juvenile's participation in the
22 intensive supervision program under s. 938.534. For juveniles who have been
23 adjudged delinquent, the delinquent act referred to in this section may be the act for
24 which the juvenile was adjudged delinquent. If the intake worker determines that

1 any of the following conditions applies, the juvenile is considered to present a
2 substantial risk of physical harm to another person:

3 ***-0094/5.14* SECTION 3890.** 938.315 (1) (h) of the statutes is created to read:
4 938.315 (1) (h) Any period of delay resulting from the need to appoint a
5 qualified interpreter.

6 ***-0446/2.7* SECTION 3898.** 938.355 (6d) (a) 4. of the statutes is created to read:
7 938.355 (6d) (a) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile
8 who has been adjudged delinquent and who has violated a condition specified in sub.
9 (2) (b) 7. from being taken into and held in custody under ss. 938.19 to 938.21.

10 ***-0446/2.8* SECTION 3899.** 938.355 (6d) (b) 4. of the statutes is created to read:
11 938.355 (6d) (b) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile
12 who has violated a condition of aftercare supervision administered by a county
13 department from being taken into and held in custody under ss. 938.19 to 938.21.

14 ***-0446/2.9* SECTION 3900.** 938.355 (6d) (c) 4. of the statutes is created to read:
15 938.355 (6d) (c) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile
16 who has been found to be in need of protection or services and who has violated a
17 condition specified in sub. (2) (b) 7. from being taken into and held in custody under
18 ss. 938.19 to 938.21.

19 ***-0449/4.6* SECTION 3902.** 938.357 (4) (b) 2. of the statutes is amended to read:
20 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 child
21 caring institution under s. 938.34 (4d) violates a condition of his or her placement in
22 the Type 2 child caring institution, the child welfare agency operating the Type 2
23 child caring institution shall notify the county department that has supervision over
24 the juvenile and, if the county department agrees to a change in placement under this
25 subdivision, the child welfare agency shall notify the department and the

1 department, after consulting with the child welfare agency, may place the juvenile
2 in a Type 1 secured correctional facility under the supervision of the department,
3 without a hearing under sub. (1), for not more than 10 days. If a juvenile is placed
4 in a Type 1 secured correctional facility under this subdivision, the county
5 department that has supervision over the juvenile shall reimburse the child welfare
6 agency operating the Type 2 child caring institution in which the juvenile was placed
7 at the rate established under s. 46.037, and that child welfare agency shall reimburse
8 the department at the rate specified in s. 301.26 (4) (d) 2., ~~3. or 4.~~ or 3., whichever is
9 applicable, for the cost of the juvenile's care while placed in a Type 1 secured
10 correctional facility.

11 ***-0447/3.8* SECTION 3903.** 938.357 (4) (d) of the statutes is repealed.

12 ***-2174/2.6* SECTION 3910.** 938.532 (1) of the statutes is amended to read:

13 938.532 (1) PROGRAM. From the ~~appropriations~~ appropriation under s. 20.410
14 (3) ~~(bb) and (hm)~~, the department shall provide a juvenile boot camp program for
15 juveniles who have been placed under the supervision of the department under s.
16 938.183, 938.34 (4h) or (4m), or 938.357 (4).

17 ***-0452/1.1* SECTION 3914.** 938.533 (2) of the statutes is amended to read:

18 938.533 (2) CORRECTIVE SANCTIONS PROGRAM. From the appropriation under s.
19 20.410 (3) (hr), the department shall provide a corrective sanctions program to serve
20 an average daily population of 136 juveniles, or an average daily population of more
21 than 136 juveniles if the appropriation under s. 20.410 (3) (hr) is supplemented
22 under s. 13.101 or 16.515 and the positions for the program are increased under s.
23 13.101 or 16.505 (2) or if funding and positions to serve more than that average daily
24 population are otherwise available, in not less than 3 counties, including Milwaukee
25 County. The office of juvenile offender review in the department shall evaluate and

1 select for participation in the program juveniles who have been placed under the
2 supervision of the department under s. 938.183, 938.34 (4h) or (4m), or 938.357 (4).
3 The department shall place a program participant in the community, provide
4 intensive surveillance of that participant, and provide an average of not more than
5 \$3,000 per year per slot to purchase community-based treatment services for each
6 participant. The department shall make the intensive surveillance required under
7 this subsection available 24 hours a day, 7 days a week, and may purchase or provide
8 electronic monitoring for the intensive surveillance of program participants. The
9 department shall provide a report center in Milwaukee County to provide on-site
10 programming after school and in the evening for juveniles from Milwaukee County
11 who are placed in the corrective sanctions program. A contact worker providing
12 services under the program shall have a case load of approximately 10 juveniles and,
13 during the initial phase of placement in the community under the program of a
14 juvenile who is assigned to that contact worker, shall have not less than one
15 face-to-face contact per day with that juvenile. Case management services under
16 the program shall be provided by a corrective sanctions agent who shall have a case
17 load of approximately 15 juveniles. The department shall promulgate rules to
18 implement the program.

19 ***-0446/2.10* SECTION 3915.** 938.533 (3) (a) of the statutes is amended to read:
20 938.533 (3) (a) A participant in the corrective sanctions program remains
21 under the supervision of the department, remains subject to the rules and discipline
22 of that department, and is considered to be in custody, as defined in s. 946.42 (1) (a).
23 Notwithstanding ss. 938.19 to 938.21, if a juvenile violates a condition of that
24 juvenile's participation in the corrective sanctions program the department may,
25 without a hearing, take the juvenile into custody and place the juvenile in a secured

1 detention facility or return the juvenile to placement in a Type 1 secured correctional
2 facility or a secured child caring institution. This paragraph does not preclude a
3 juvenile who has violated a condition of the juvenile's participation in the corrective
4 sanctions program from being taken into and held in custody under ss. 938.19 to
5 938.21.

6 *~~0446/2.11~~* SECTION 3916. 938.534 (1) (b) 3m. of the statutes is created to
7 read:

8 938.534 (1) (b) 3m. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile
9 who has violated a condition of the juvenile's participation in the program from being
10 taken into and held in custody under ss. 938.19 to 938.21.

11 *~~0448/3.3~~* SECTION 3917. 938.538 (3) (a) 1. of the statutes is amended to read:

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

17 *~~0447/3.9~~* SECTION 3918. 938.538 (3) (a) 1m. of the statutes is amended to
18 read:

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

1 *~~0447/3.10~~* SECTION 3919. 938.538 (3) (a) 2. of the statutes is amended to
2 read:

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

6 *~~0448/3.4~~* SECTION 3920. 938.538 (3) (b) of the statutes is amended to read:

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

16 *~~0447/3.11~~* SECTION 3921. 938.538 (4) (a) of the statutes is amended to read:

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

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

5 ***-0446/2.12* SECTION 3922.** 938.538 (4) (a) of the statutes, as affected by 2001
6 Wisconsin Act (this act), is amended to read:

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

20 ***-0448/3.5* SECTION 3923.** 938.538 (4m) of the statutes is created to read:

21 938.538 (4m) EXTENSION OF TYPE 1 PLACEMENT PERIOD. (a) 1. The department
22 may extend the period for which a participant may be placed as described in sub. (3)
23 (a) 1. for an additional period of not more than 30 days. A participant is not entitled
24 to a hearing regarding the department's exercise of authority under this subdivision
25 unless the department provides for a hearing by rule.

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

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

23 (b) By the first day of the 2nd month beginning after the effective date of this
24 paragraph [revisor inserts date], the department shall provide notice to all
25 participants in the serious juvenile offender program that a placement under sub.

1 (3) (a) 1. may be extended under par. (a) 1. or 2. or both. Notwithstanding par. (a) 1.
2 and 2. and sub. (3) (a) 1., the department may not extend, or petition the court to
3 extend, the placement under sub. (3) (a) 1. of a juvenile who is a participant in the
4 serious juvenile offender program on the effective date of this paragraph [revisor
5 inserts date], based on acts committed by that participant prior to the date on which
6 the notice under this paragraph is given to that participant.

7 *~~0447/3.12~~* SECTION 3924. 938.538 (5) (c) of the statutes is amended to read:
8 938.538 (5) (c) Sections 938.357 and 938.363 do not apply to changes of
9 placement and revisions of orders for a juvenile who is a participant in the serious
10 juvenile offender program, ~~except that s. 938.357 (4) (d) applies to the transfer of a~~
11 ~~participant to the Racine youthful offender correctional facility named in s. 302.01.~~

12 *~~0447/3.13~~* SECTION 3925. 938.538 (6) of the statutes is amended to read:
13 938.538 (6) PURCHASE OF SERVICES. The department of corrections may contract
14 with the department of health and family services, a county department, or any
15 public or private agency for the purchase of goods, care, and services for participants
16 in the serious juvenile offender program. The department of corrections shall
17 reimburse a person from whom it purchases goods, care, or services under this
18 subsection from the appropriation under s. 20.410 (3) (cg) ~~or, if the person for whom~~
19 ~~the goods, care or services are purchased is placed in a Type 1 prison, as defined s.~~
20 ~~301.01 (5), or is under intensive sanctions supervision under s. 301.048, from the~~
21 ~~appropriate appropriation under s. 20.410 (1).~~

22 *~~0446/2.13~~* SECTION 3926. 938.539 (3) of the statutes is amended to read:
23 938.539 (3) Notwithstanding ss. 938.19 to 938.21, if a juvenile placed in a
24 Type 2 child caring institution under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2
25 secured correctional facility under s. 938.357 (4) (a) or (c) violates a condition of his

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

7 *~~0447/3.14~~* SECTION 3929. 938.992 (3) of the statutes is amended to read:

8 938.992 (3) Notwithstanding s. 938.991 (3) (b), “delinquent juvenile” does not
9 include a person subject to an order under s. 48.366 who is confined to a state prison
10 under s. 302.01 ~~or a person subject to an order under s. 938.34 (4h) who is 17 years~~
11 ~~of age or over.~~

12 *~~1855/2.32~~* SECTION 3930. 939.32 (1) (title) of the statutes is created to read:

13 939.32 (1) (title) GENERALLY.

14 *~~1855/2.33~~* SECTION 3931. 939.32 (1m) of the statutes is created to read:

15 939.32 (1m) BIFURCATED SENTENCES. (a) Subject to s. 973.01 (2) (d), if the court
16 imposes a bifurcated sentence under s. 973.01 (1) for an attempt to commit a crime
17 that is punishable under sub. (1) (intro.), the following requirements apply:

18 1. If the completed crime is a classified felony, the maximum term of
19 confinement in prison is one-half of the maximum term of confinement in prison for
20 the classified felony.

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

24 (b) Subject to s. 973.01 (2) (d), the maximum term of confinement in prison
25 specified under par. (a) may be increased under s. 939.62 (1) or 961.48. If the

1 maximum term of confinement in prison specified in par. (a) is increased under this
2 paragraph, the maximum term of imprisonment under sub. (1) is increased by the
3 same amount.

4 ***-1855/2.34* SECTION 3932.** 939.32 (2) (title) of the statutes is created to read:
5 939.32 (2) (title) MISDEMEANOR COMPUTER CRIMES.

6 ***-1855/2.35* SECTION 3933.** 939.32 (3) (title) of the statutes is created to read:
7 939.32 (3) (title) REQUIREMENTS.

8 ***-1617/P3.3* SECTION 3934.** 939.74 (1) of the statutes is amended to read:
9 939.74 (1) Except as provided in sub. subs. (2), and (2d) and s. 946.88 (1),
10 prosecution for a felony must be commenced within 6 years and prosecution for a
11 misdemeanor or for adultery within 3 years after the commission thereof. Within the
12 meaning of this section, a prosecution has commenced when a warrant or summons
13 is issued, an indictment is found, or an information is filed.

14 ***-1617/P3.4* SECTION 3935.** 939.74 (2) (c) of the statutes is amended to read:
15 939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a),
16 948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.08, or 948.095 shall be commenced
17 before the victim reaches the age of 31 years or be barred, except as provided in sub.
18 (2d) (c).

19 ***-1617/P3.5* SECTION 3936.** 939.74 (2d) of the statutes is created to read:
20 939.74 (2d) (a) In this subsection, “deoxyribonucleic acid profile” means any
21 analysis of deoxyribonucleic acid that results in the identification of an individual’s
22 patterned chemical structure of genetic information.

23 (b) If the state has evidence of a deoxyribonucleic acid profile of a person who
24 committed a violation of s. 940.225 (1) or (2), the evidence was collected before the
25 time limitation under sub. (1) expired, and comparisons of the evidence to

1 deoxyribonucleic acid profiles of known persons made before the time limitation
2 expired did not result in a probable identification of the person, the state may
3 commence prosecution of the person within 12 months after comparison of the
4 deoxyribonucleic evidence relating to the violation results in a probable
5 identification of the person.

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

14 ***b0493/3.6* SECTION 3937j.** 940.09 (1d) of the statutes is renumbered 940.09
15 (1d) (b) and amended to read:

16 940.09 (1d) (b) If the person who committed an offense under sub. (1) (a), (b),
17 (c), or (d) has 2 or more prior convictions, suspensions, or revocations, as counting
18 convictions under sub. (1) and s. 940.25 in the person's lifetime, plus other
19 convictions, suspensions, or revocations counted under s. 343.307 (1), the procedure
20 under s. 346.65 (6) may be followed regarding the immobilization or the seizure and
21 forfeiture of a motor vehicle owned by the person who committed the offense or the
22 equipping of a motor vehicle owned by the person with an ignition interlock device.

23 ***b0493/3.6* SECTION 3937k.** 940.09 (1d) (a) of the statutes is created to read:

24 940.09 (1d) (a) Notwithstanding par. (b), if the person who committed an
25 offense under sub. (1) (a), (b), (c), or (d) has 2 or more prior convictions, suspensions,

1 or revocations counted under s. 343.307 (1) within a 5-year period, the procedure
2 under s. 343.301 shall be followed if the court orders that the person's operating
3 privilege for the operation of "Class D" vehicles be restricted to operating "Class D"
4 vehicles that are equipped with an ignition interlock device and the court orders the
5 installation of an ignition interlock device in each motor vehicle titled in the name
6 of the person or if the court orders that each motor vehicle titled in the name of the
7 person be immobilized.

8 *b0493/3.6* SECTION 3937m. 940.09 (1d) (a) of the statutes, as created by 2001
9 Wisconsin Act (this act), is renumbered 940.09 (1d) (a) 2.

10 *b0493/3.6* SECTION 3937n. 940.09 (1d) (a) 1. of the statutes is created to read:

11 940.09 (1d) (a) 1. Except as provided in subd. 2., if a person who committed an
12 offense under sub. (1) (a), (b), (c), or (d) has 2 or more prior convictions, suspensions,
13 or revocations, counting convictions under sub. (1) and s. 940.25 in the person's
14 lifetime, plus other convictions, suspensions, or revocations counted under s. 343.307
15 (1), the procedure under s. 343.301 shall be followed 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 or
18 if the court orders that the motor vehicle used during the refusal or violation and
19 owned by the person be immobilized.

20 *b0493/3.6* SECTION 3937p. 940.09 (1d) (b) of the statutes, as affected by 2001
21 Wisconsin Act (this act), is amended to read:

22 940.09 (1d) (b) If the person who committed an offense under sub. (1) (a), (b),
23 (c), or (d) has 2 or more prior convictions, suspensions, or revocations, counting
24 convictions under sub. (1) and s. 940.25 in the person's lifetime, plus other
25 convictions, suspensions, or revocations counted under s. 343.307 (1), the procedure

1 under s. 346.65 (6) ~~may shall~~ be followed regarding the immobilization or if the court
2 orders the seizure and forfeiture of ~~a~~ the motor vehicle owned by the person who
3 ~~committed the offense or the equipping of a motor vehicle owned by the person with~~
4 an ignition interlock device and used in the violation.

5 *b0493/3.6* SECTION 3938j. 940.25 (1d) of the statutes is renumbered 940.25
6 (1d) (b) and amended to read:

7 940.25 (1d) (b) If the person who committed an offense under sub. (1) (a), (b),
8 (c), or (d) has 2 or more prior convictions, suspensions, or revocations, as counting
9 convictions under sub. (1) and s. 940.09 (1) in the person's lifetime, plus other
10 convictions, suspensions, or revocations counted under s. 343.307 (1), the procedure
11 under s. 346.65 (6) may be followed regarding the immobilization or the seizure and
12 forfeiture of a motor vehicle owned by the person who committed the offense or the
13 equipping of a motor vehicle owned by the person with an ignition interlock device.

14 *b0493/3.6* SECTION 3938k. 940.25 (1d) (a) of the statutes is created to read:

15 940.25 (1d) (a) Notwithstanding par. (b), if the person who committed an
16 offense under sub. (1) (a), (b), (c), or (d) has 2 or more prior convictions, suspensions,
17 or revocations counted under s. 343.307 (1) within a 5-year period, the procedure
18 under s. 343.301 shall be followed if the court orders that the person's operating
19 privilege for the operation of "Class D" vehicles be restricted to operating "Class D"
20 vehicles that are equipped with an ignition interlock device and the court orders the
21 installation of an ignition interlock device in each motor vehicle titled in the name
22 of the person or if the court orders that each motor vehicle titled in the name of the
23 person be immobilized.

24 *b0493/3.6* SECTION 3938m. 940.25 (1d) (a) of the statutes, as created by 2001
25 Wisconsin Act (this act), is renumbered 940.25 (1d) (a) 2.

1 ***b0493/3.6* SECTION 3938n.** 940.25 (1d) (a) 1. of the statutes is created to read:

2 940.25 (1d) (a) 1. Except as provided in subd. 2., if a person who committed an
3 offense under sub. (1) (a), (b), (c), or (d) has 2 or more prior convictions, suspensions,
4 or revocations, counting convictions under sub. (1) and s. 940.09 (1) in the person's
5 lifetime, plus other convictions, suspensions, or revocations counted under s. 343.307
6 (1), the procedure under s. 343.301 shall be followed if the court orders that the
7 person's operating privilege for the operation of "Class D" vehicles be restricted to
8 operating "Class D" vehicles that are equipped with an ignition interlock device or
9 if the court orders that the motor vehicle used during the refusal or violation and
10 owned by the person be immobilized.

11 ***b0493/3.6* SECTION 3938p.** 940.25 (1d) (b) of the statutes, as affected by 2001
12 Wisconsin Act (this act), is amended to read:

13 940.25 (1d) (b) If the person who committed an offense under sub. (1) (a), (b),
14 (c), or (d) has 2 or more prior convictions, suspensions, or revocations, counting
15 convictions under sub. (1) and s. 940.09 (1) in the person's lifetime, plus other
16 convictions, suspensions, or revocations counted under s. 343.307 (1), the procedure
17 under s. 346.65 (6) ~~may shall~~ be followed ~~regarding the immobilization or if the court~~
18 ~~orders~~ the seizure and forfeiture of ~~a~~ the motor vehicle owned by the person who
19 ~~committed the offense or the equipping of a motor vehicle owned by the person with~~
20 ~~an ignition interlock device and used in the violation.~~

21 ***b0675/2.1* SECTION 3938u.** 943.01 (2) (d) of the statutes is amended to read:

22 943.01 (2) (d) If the total property damaged in violation of sub. (1) is reduced
23 in value by more than \$1,000 \$2,500. For the purposes of this paragraph, property
24 is reduced in value by the amount which it would cost either to repair or replace it,
25 whichever is less.

1 ***b0675/2.1* SECTION 3938v.** 943.01 (2g) (c) of the statutes is amended to read:
2 943.01 (2g) (c) The total property damaged in violation of sub. (1) is reduced
3 in value by more than \$500 but not more than ~~\$1,000~~ \$2,500. For purposes of this
4 paragraph, property is reduced in value by the amount that it would cost to repair
5 or replace it, whichever is less, plus other monetary losses associated with the
6 damage.

7 ***b0675/2.1* SECTION 3938w.** 943.017 (2) (d) of the statutes is amended to read:
8 943.017 (2) (d) If the total property affected in violation of sub. (1) is reduced
9 in value by more than ~~\$1,000~~ \$2,500. For the purposes of this paragraph, property
10 is reduced in value by the amount which it would cost to repair or replace it or to
11 remove the marking, drawing, writing or etching, whichever is less.

12 ***-0857/1.1* SECTION 3939.** 943.20 (1) (e) of the statutes is amended to read:
13 943.20 (1) (e) Intentionally fails to return any personal property which is in his
14 or her possession or under his or her control by virtue of a written lease or written
15 rental agreement, ~~within 10 days~~ after the lease or rental agreement has expired.
16 This paragraph does not apply to a person who returns personal property, except a
17 motor vehicle, which is in his or her possession or under his or her control by virtue
18 of a written lease or written rental agreement, within 10 days after the lease or rental
19 agreement expires.

20 ***b0675/2.2* SECTION 3939b.** 943.20 (3) (a) of the statutes is amended to read:
21 943.20 (3) (a) If the value of the property does not exceed ~~\$1,000~~ \$2,500, is
22 guilty of a Class A misdemeanor.

23 ***b0675/2.2* SECTION 3939c.** 943.20 (3) (b) of the statutes is repealed.

24 ***b0675/2.2* SECTION 3939d.** 943.21 (3) (a) of the statutes is amended to read:

1 943.21 (3) (a) Is guilty of a Class A misdemeanor when the value of any
2 beverage, food, lodging, accommodation, transportation or other service is \$1,000
3 \$2,500 or less.

4 ***b0675/2.2* SECTION 3939e.** 943.21 (3) (b) of the statutes is amended to read:

5 943.21 (3) (b) Is guilty of a Class E felony when the value of any beverage, food,
6 lodging, accommodation, transportation or other service exceeds \$1,000 \$2,500.

7 ***b0675/2.2* SECTION 3939f.** 943.24 (1) of the statutes is amended to read:

8 943.24 (1) Whoever issues any check or other order for the payment of not more
9 than \$1,000 \$2,500 which, at the time of issuance, he or she intends shall not be paid
10 is guilty of a Class A misdemeanor.

11 ***b0675/2.2* SECTION 3939g.** 943.24 (2) of the statutes is amended to read:

12 943.24 (2) Whoever issues any single check or other order for the payment of
13 more than \$1,000 \$2,500 or whoever within a 15-day period issues more than one
14 check or other order amounting in the aggregate to more than \$1,000 \$2,500 which,
15 at the time of issuance, the person intends shall not be paid is guilty of a Class E
16 felony.

17 ***b0675/2.2* SECTION 3939h.** 943.34 (1) (a) of the statutes is amended to read:

18 943.34 (1) (a) A Class A misdemeanor, if the value of the property does not
19 exceed \$1,000 \$2,500.

20 ***b0675/2.2* SECTION 3939i.** 943.34 (1) (b) of the statutes is repealed.

21 ***b0675/2.2* SECTION 3939j.** 943.395 (2) (a) of the statutes is amended to read:

22 943.395 (2) (a) Is guilty of a Class A misdemeanor if the value of the claim or
23 benefit does not exceed \$1,000 \$2,500.

24 ***b0675/2.2* SECTION 3939k.** 943.395 (2) (b) of the statutes is amended to read:

1 943.395 (2) (b) Is guilty of a Class E felony if the value of the claim or benefit
2 exceeds \$1,000 \$2,500.

3 ***b0675/2.2* SECTION 3939L.** 943.41 (8) (c) of the statutes is amended to read:
4 943.41 (8) (c) Any person violating any provision of sub. (5) or (6) (a), (b) or (d),
5 if the value of the money, goods, services or property illegally obtained does not
6 exceed \$1,000 \$2,500 is guilty of a Class A misdemeanor; ~~if the value of the money,~~
7 ~~goods, services or property exceeds \$1,000 but does not exceed \$2,500, in a single~~
8 ~~transaction or in separate transactions within a period not exceeding 6 months, the~~
9 ~~person is guilty of a Class E felony; or if.~~ If the value of the money, goods, services
10 or property exceeds \$2,500, the person is guilty of a Class C felony.

11 ***b0675/2.2* SECTION 3939m.** 943.50 (4) (a) of the statutes is amended to read:
12 943.50 (4) (a) A Class A misdemeanor, if the value of the merchandise does not
13 exceed \$1,000 \$2,500.

14 ***b0675/2.2* SECTION 3939n.** 943.50 (4) (b) of the statutes is repealed.

15 ***b0675/2.2* SECTION 3939p.** 943.61 (5) (a) of the statutes is amended to read:
16 943.61 (5) (a) A Class A misdemeanor, if the value of the library materials does
17 not exceed \$1,000 \$2,500.

18 ***b0675/2.2* SECTION 3939q.** 943.61 (5) (b) of the statutes is repealed.

19 ***b0675/2.2* SECTION 3939r.** 943.62 (4) (a) of the statutes is amended to read:
20 943.62 (4) (a) A Class A misdemeanor, if the value of the advance payment or
21 required refund, as applicable, does not exceed \$500 \$2,500.

22 ***b0675/2.2* SECTION 3939s.** 943.62 (4) (b) of the statutes is repealed.

23 ***-0795/2.1* SECTION 3940.** 943.70 (1) (a) of the statutes is renumbered 943.70
24 (1) (am).

25 ***-0795/2.2* SECTION 3941.** 943.70 (1) (ag) of the statutes is created to read:

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

3 ***-0795/2.3* SECTION 3942.** 943.70 (1) (gm) of the statutes is created to read:

4 943.70 (1) (gm) "Interruption in service" means inability to access a computer,
5 computer program, computer system, or computer network, or an inability to
6 complete a transaction involving a computer.

7 ***-0795/2.4* SECTION 3943.** 943.70 (2) (a) (intro.) of the statutes is amended to
8 read:

9 943.70 (2) (a) (intro.) Whoever ~~wilfully~~ willfully, knowingly and without
10 authorization does any of the following may be penalized as provided in ~~par.~~ pars. (b)
11 and (c):

12 ***-0795/2.5* SECTION 3944.** 943.70 (2) (a) 3. of the statutes is amended to read:

13 943.70 (2) (a) 3. Accesses ~~data~~, computer programs or supporting
14 documentation.

15 ***-0795/2.6* SECTION 3945.** 943.70 (2) (am) of the statutes is created to read:

16 943.70 (2) (am) Whoever intentionally causes an interruption in service by
17 submitting a message, or multiple messages, to a computer, computer program,
18 computer system, or computer network that exceeds the processing capacity of the
19 computer, computer program, computer system, or computer network may be
20 penalized as provided in pars. (b) and (c).

21 ***-0795/2.7* SECTION 3946.** 943.70 (2) (b) (intro.) of the statutes is amended to
22 read:

23 943.70 (2) (b) (intro.) Whoever violates ~~this subsection~~ par. (a) or (am) is guilty
24 of:

25 ***-0795/2.8* SECTION 3947.** 943.70 (2) (b) 1. of the statutes is amended to read:

1 943.70 (2) (b) 1. A Class A misdemeanor unless ~~subd. any of subds. 2., 3. or to~~
2 4. applies.

3 *~~0795/2.9~~* SECTION 3948. 943.70 (2) (b) 3. of the statutes is amended to read:

4 943.70 (2) (b) 3. A Class D ~~E~~ felony if the offense results in damage is greater
5 valued at more than \$1,000 but not more than \$2,500 ~~or if it causes an interruption~~
6 ~~or impairment of governmental operations or public communication, of~~
7 ~~transportation or of a supply of water, gas or other public service.~~

8 *~~0795/2.10~~* SECTION 3949. 943.70 (2) (b) 3g. of the statutes is created to read:

9 943.70 (2) (b) 3g. A Class C felony if the offense results in damage valued at
10 more than \$2,500.

11 *~~0795/2.11~~* SECTION 3950. 943.70 (2) (b) 3r. of the statutes is created to read:

12 943.70 (2) (b) 3r. A Class C felony if the offense causes an interruption or
13 impairment of governmental operations or public communication, of transportation,
14 or of a supply of water, gas, or other public service.

15 *~~0795/2.12~~* SECTION 3951. 943.70 (2) (c) of the statutes is created to read:

16 943.70 (2) (c) If a person disguises the identity or location of the computer at
17 which he or she is working while committing an offense under par. (a) or (am) with
18 the intent to make it less likely that he or she will be identified with the crime, the
19 penalties under par. (b) may be increased as follows:

20 1. In the case of a misdemeanor, the maximum fine prescribed by law for the
21 crime may be increased by not more than \$1,000 and the maximum term of
22 imprisonment prescribed by law for the crime may be increased so that the revised
23 maximum term of imprisonment is 12 months.

1 2. In the case of a felony, the maximum fine prescribed by law for the crime may
2 be increased by not more than \$2,500 and the maximum term of imprisonment
3 prescribed by law for the crime may be increased by not more than 2 years.

4 *~~0795/2.13~~* SECTION 3952. 944.205 (title) of the statutes is amended to read:

5 **944.205** (title) ~~Photographs, motion pictures, videotapes or other~~
6 ~~visual representations~~ Recordings showing nudity.

7 *~~0795/2.14~~* SECTION 3953. 944.205 (1) of the statutes is renumbered 944.205
8 (1) (intro.) and amended to read:

9 944.205 (1) (intro.) In this section, “nudity”:

10 (b) “Nudity” has the meaning given in s. 948.11 (1) (d).

11 *~~0795/2.15~~* SECTION 3954. 944.205 (1) (a) of the statutes is created to read:

12 944.205 (1) (a) “Exhibit” has the meaning given in s. 948.01 (1d).

13 *~~0795/2.16~~* SECTION 3955. 944.205 (1) (c) of the statutes is created to read:

14 944.205 (1) (c) “Recording” has the meaning given in 948.01 (3r).

15 *~~0795/2.17~~* SECTION 3956. 944.205 (2) (a) of the statutes is amended to read:

16 944.205 (2) (a) ~~Takes a photograph or makes a motion picture, videotape or~~
17 ~~other visual representation or reproduction that depicts~~ Records an image of nudity
18 without the knowledge and consent of the person who is depicted nude while that
19 person is nude in a place and circumstance in which he or she has a reasonable
20 expectation of privacy, if the person recording the image knows or has reason to know
21 that the person who is depicted nude does not know of and consent to the taking or
22 making of the photograph, motion picture, videotape or other visual representation
23 or reproduction recording.

24 *~~0795/2.18~~* SECTION 3957. 944.205 (2) (b) of the statutes is repealed and
25 recreated to read:

1 944.205 (2) (b) Copies, possesses, exhibits, stores, or distributes a recording of
2 an image if all of the following apply:

3 1. The recording was done in violation of par. (a) or was previously copied in
4 violation of this paragraph.

5 2. The actor knows or has reason to know that the violation described under
6 subd. 1. has occurred.

7 3. The person depicted nude in the recording did not consent to the copying,
8 possession, exhibition, storage, or distribution of the recording under par. (b) (intro.).

9 4. The recording depicts the same nudity recorded in violation of par. (a).

10 *~~0795/2.19~~* SECTION 3958. 944.205 (3) of the statutes is amended to read:

11 944.205 (3) Notwithstanding sub. (2) (a) and (b), if the person depicted in a
12 photograph, motion picture, videotape or other visual representation or reproduction
13 recording of an image is a child and the making recording, copying, possession,
14 exhibition, storage, or distribution of the photograph, motion picture, videotape or
15 other visual representation or reproduction recording does not violate s. 948.05 or
16 948.12, a parent, guardian, or legal custodian of the child may do any of the following:

17 (a) Make and Record, copy, possess, exhibit, or store the photograph, motion
18 picture, videotape or other visual representation reproduction of the child recording.

19 (b) Distribute a photograph, motion picture, videotape or other visual
20 representation or reproduction made or recording that was recorded, copied,
21 possessed, exhibited, or stored under par. (a) if the distribution is not for commercial
22 purposes.

23 *~~0795/2.20~~* SECTION 3959. 944.205 (4) of the statutes is amended to read:

24 944.205 (4) This section does not apply to a person who receives a photograph,
25 motion picture, videotape or other visual representation or reproduction of recording

1 of an image depicting a child from a parent, guardian, or legal custodian of the child
2 under sub. (3) (b), if the possession ~~and, copying, exhibition, storage, or~~ distribution
3 ~~are~~ is not for commercial purposes.

4 ***-0795/2.21*** SECTION 3960. 944.21 (2) (am) of the statutes is created to read:
5 944.21 (2) (am) “Exhibit” has the meaning given in s. 948.01 (1d).

6 ***-0795/2.22*** SECTION 3961. 944.21 (2) (c) (intro.) of the statutes is amended
7 to read:

8 944.21 (2) (c) (intro.) “Obscene material” means a writing, picture, sound
9 ~~recording or film which, or other recording that:~~

10 ***-0795/2.23*** SECTION 3962. 944.21 (2) (dm) of the statutes is created to read:
11 944.21 (2) (dm) “Recording” has the meaning given in s. 948.01 (3r).

12 ***-0795/2.24*** SECTION 3963. 944.21 (3) (a) of the statutes is amended to read:
13 944.21 (3) (a) Imports, prints, sells, has in his or her possession for sale,
14 publishes, exhibits, plays, or transfers distributes any obscene material.

15 ***-0795/2.25*** SECTION 3964. 944.21 (4) (a) and (b) of the statutes are amended
16 to read:

17 944.21 (4) (a) ~~Transfers or~~ Distributes, exhibits, or plays any obscene material
18 to a person under the age of 18 years.

19 (b) Has in his or her possession with intent to ~~transfer or distribute,~~ exhibit,
20 or play to a person under the age of 18 years any obscene material.

21 ***-0795/2.26*** SECTION 3965. 944.21 (9) of the statutes is amended to read:
22 944.21 (9) In determining whether material is obscene under sub. (2) (c) 1. and
23 3., a judge or jury shall examine individual pictures, recordings of images, or
24 passages in the context of the work in which they appear.

25 ***-0795/2.27*** SECTION 3966. 944.25 of the statutes is created to read:

1 **944.25 Sending obscene or sexually explicit electronic messages. (1)**

2 In this section:

3 (a) “Electronic mail solicitation” means an electronic mail message, including
4 any attached program or document, that is sent for the purpose of encouraging a
5 person to purchase property, goods, or services.

6 (b) “Obscene material” has the meaning given in s. 944.21 (2) (c).

7 (c) “Sexually explicit conduct” has the meaning given in s. 948.01 (7).

8 (2) Whoever sends an unsolicited electronic mail solicitation to a person that
9 contains obscene material or a depiction of sexually explicit conduct without
10 including the words “ADULT ADVERTISEMENT” in the subject line of the
11 electronic mail solicitation is guilty of a Class A misdemeanor.

12 ***b0408/2.1* SECTION 3966h.** 945.05 (1) (intro.) of the statutes is amended to
13 read:

14 945.05 (1) (intro.) Except as provided in subs. (1e) (b) and (1m), whoever
15 manufactures, transfers commercially or possesses with intent to transfer
16 commercially either of the following is guilty of a Class E felony:

17 ***b0408/2.1* SECTION 3966j.** 945.05 (1e) of the statutes is renumbered 945.05
18 (1e) (b) (intro.) and amended to read:

19 945.05 (1e) (b) (intro.) Subsection (1) does not apply to a person who
20 manufactures, transfers commercially or possesses with intent to transfer
21 commercially gambling devices described in sub. (1) (a) and (b) to a any of the
22 following:

23 2. A nonprofit or public educational institution that provides an educational
24 program for which it awards a bachelor’s or higher degree for the use in a casino
25 gaming management class.