

1 560.036 (3) (c) The department may promulgate rules establishing conditions
2 with which a business, financial adviser, or investment firm must comply to qualify
3 for certification, in addition to the qualifications specified under sub. (1) (e), (ep), and
4 (fm), respectively. Those rules may not require that a business, financial adviser, or
5 investment firm submit any income or franchise tax return to the department as a
6 condition for qualification for certification.

7 ***b0957/1.18* SECTION 3619sm.** 560.038 (1) (ar) of the statutes is amended to
8 read:

9 560.038 (1) (ar) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~
10 means a business that is certified by the department under s. 560.036 (2).

11 ***b0957/1.18* SECTION 3619sp.** 560.039 (1) (b) of the statutes is amended to
12 read:

13 560.039 (1) (b) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~
14 means a business that is certified by the department under s. 560.036 (2).”.

15 ***b1019/1.6* 1254.** Page 1156, line 7: after that line insert:

16 ***b1019/1.6* “SECTION 3619t.** 560.036 (2) (a) of the statutes is amended to read:

17 560.036 (2) (a) For the purposes of ss. 16.63 (2m), 16.75 (3m), 16.855 (10m),
18 16.87 (2), 18.16, 18.64, 18.77, 25.185, 119.495 (2), 200.57, 231.27 and 234.35, the
19 department shall establish and periodically update a list of certified minority
20 businesses, minority financial advisers and minority investment firms. Any
21 business, financial adviser or investment firm may apply to the department for
22 certification. For purposes of this paragraph, unless the context otherwise requires,
23 a “business” includes a financial adviser or investment firm.”.

24 ***b1097/2.4* 1255.** Page 1156, line 7: after that line insert:

1 ***b1097/2.4* “SECTION 3619v.** 560.036 (2) (a) of the statutes is amended to read:

2 560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.855 (10m), 16.87 (2), 18.16,
3 18.64, 18.77, 25.185, 84.014 (7r), 119.495 (2), 200.57, 231.27, and 234.35, the
4 department shall establish and periodically update a list of certified minority
5 businesses, minority financial advisers, and minority investment firms. Any
6 business, financial adviser, or investment firm may apply to the department for
7 certification. For purposes of this paragraph, unless the context otherwise requires,
8 a “business” includes a financial adviser or investment firm.

9 ***b1097/2.4* SECTION 3619w.** 560.036 (2) (d) 1. b. of the statutes is amended
10 to read:

11 560.036 (2) (d) 1. b. The department determines that, with respect to a specified
12 type of supply, material, equipment, or service, there are not enough certified
13 minority business suppliers in this state to enable this state to achieve compliance
14 with ss. 16.75 (3m), 16.855 (10m), 16.87 (2) ~~and~~, 25.185, and 84.014 (7r).”.

15 ***b0879/1.1* 1256.** Page 1156, line 7: delete that line.

16 ***b0893/2.6* 1257.** Page 1162, line 7: after that line insert:

17 ***b0893/2.6* “SECTION 3648m.** 560.145 (1) (intro.) of the statutes is amended
18 to read:

19 560.145 (1) GRANTS. (intro.) Subject to sub. (3), the department may make a
20 grant to a person from the ~~appropriation~~ appropriations under s. 20.143 (1) (c) and
21 (kd) for the capitalization of a revolving loan fund if all of the following apply:

22 ***b0893/2.6* SECTION 3648p.** 560.147 (1) (intro.) of the statutes is amended to
23 read:

1 560.147 (1) LOANS. (intro.) Subject to sub. (4), the department may make a loan
2 to a person from the appropriations under s. 20.143 (1) (c) ~~and~~, (ie), and (kd) for a
3 project described in sub. (2) if all of the following apply.”.

4 ***b0893/2.7* 1258.** Page 1162, line 10: after that line insert:

5 ***b0893/2.7* “SECTION 3649c.** 560.16 (2) (a) of the statutes is amended to read:

6 560.16 (2) (a) From the appropriations under s. 20.143 (1) (c) ~~and~~, (ie), and (kd),
7 the department may make grants to existing business groups for a feasibility study
8 to investigate the reorganization or new incorporation of an existing business as an
9 employee–owned business and for professional services to implement the study.”.

10 ***b0893/2.8* 1259.** Page 1164, line 22: after that line insert:

11 ***b0893/2.8* “SECTION 3664m.** 560.175 (2) of the statutes is amended to read:

12 560.175 (2) Subject to subs. (3) and (6), the department may make a grant from
13 the ~~appropriation~~ appropriations under s. 20.143 (1) (c) and (kd) to a person to fund
14 an early planning project.”.

15 ***b1058/2.18* 1260.** Page 1165, line 11: delete lines 11 and 12 and substitute:

16 “560.183 (1) (ae) “Dentist” means an individual licensed under s. 447.04 (1).”.

17 ***b0762/1.10* 1261.** Page 1171, line 17: after that line insert:

18 ***b0762/1.10* “SECTION 3693m.** 560.28 of the statutes is created to read:

19 **560.28 Heritage trust program. (1)** Beginning in the 2003–04 fiscal year,
20 the department may, subject to sub. (5), award grants to local governmental units,
21 as defined in s. 22.01 (7), for the preservation of historic buildings and properties
22 owned by the local units of government. The grants shall be financed from the
23 appropriation under s. 20.866 (2) (zbz).

1 (2) Annually, beginning in the 2003–04 fiscal year and ending in the 2011–12
2 fiscal year, from the appropriation under s. 20.143 (1) (dp), the department may
3 award up to \$500,000 in grants, plus any amount that may be carried over under sub.
4 (3), to nonprofit organizations for historic preservation. A nonprofit organization
5 receiving a grant under this subsection shall be required to contribute for the
6 project 25% of the amount of the grant unless the department determines that a
7 higher amount must be contributed.

8 (3) Annually, beginning in the 2003–04 fiscal year and ending in the 2011–12
9 fiscal year, from the appropriation under s. 20.143 (1) (dp), the department shall
10 match in an amount up to \$500,000 any contributions from individuals or
11 organizations that are deposited in the heritage trust fund, except that if the
12 department matches less than \$500,000 in any fiscal year the maximum amount that
13 may be awarded as grants under sub. (2) in the succeeding fiscal year is increased
14 by an amount equal to the difference between the amount matched under this
15 subsection in the current fiscal year and \$500,000.

16 (4) Beginning on July 1, 2012, the department may, subject to sub. (5), make
17 grants to nonprofit organizations for historic preservation. The grants shall be paid
18 from the appropriation under s. 20.143 (1) (rm).

19 (5) The department may award grants under this section only to historic
20 preservation projects that the state historical society determines are eligible under
21 s. 44.02 (27m).

22 (6) The department shall promulgate any rules necessary for the operation of
23 the program under this section.”.

24 ***b0893/2.9* 1262.** Page 1171, line 17: after that line insert:

1 ***b0893/2.9*** “SECTION 3693m. 560.26 (1) (intro.) of the statutes is amended to
2 read:

3 560.26 (1) (intro.) Subject to sub. (3), the department shall make grants from
4 the ~~appropriation~~ appropriations under s. 20.143 (1) (c) and (kd) to the Wisconsin
5 Procurement Institute if all of the following apply:”

6 ***b0893/2.10* 1263.** Page 1172, line 22: after that line insert:

7 ***b0893/2.10*** “SECTION 3698m. 560.61 (1) of the statutes is amended to read:
8 560.61 (1) Make a grant or loan to an eligible recipient for a project that meets
9 the criteria for funding under s. 560.605 (1) and (2) and under s. 560.62, 560.63,
10 560.65, or 560.66, whichever is appropriate, from the appropriations under s. 20.143
11 (1) (c), (cb) and, (ie), and (kd).”

12 ***b0893/2.10* SECTION 3698p.** 560.61 (3) of the statutes is amended to read:
13 560.61 (3) Make a grant under s. 560.16 from the appropriations under s.
14 20.143 (1) (c) and, (ie), and (kd) if the board determines that the grant meets the
15 requirements of s. 560.16.”

16 ***b0865/1.5* 1264.** Page 1173, line 7: after “(e)” insert “and (f)”.

17 ***b0865/1.4* 1265.** Page 1173, line 7: delete “zone” and substitute “zones”.

18 ***b0865/1.6* 1266.** Page 1173, line 11: after that line insert:

19 ***b0865/1.6*** “SECTION 3701m. 560.795 (1) (f) of the statutes is created to read:
20 560.795 (1) (f) For the Gateway Project, an area in the city of Beloit, the legal
21 description of which is provided to the department by the local governing body of the
22 city of Beloit.”

23 ***b0865/1.7* 1267.** Page 1173, line 18: delete “and (e)” and substitute “, (e),
24 and (f)”.

1 ***b0865/1.8* 1268.** Page 1173, line 20: delete “designation of the area under
2 sub. (1) (e)” and substitute “designations of the areas under sub. (1) (e) and (f)”.

3 ***b0865/1.9* 1269.** Page 1173, line 24: after that line insert:

4 ***b0865/1.9*** “SECTION 3703m. 560.795 (2) (b) 6. of the statutes is created to
5 read:

6 560.795 (2) (b) 6. The limit for the tax benefits for the development opportunity
7 zone under sub. (1) (f) is \$4,700,000.”.

8 ***b0865/1.10* 1270.** Page 1174, line 2: after “(e)” insert “or (f)”.

9 ***b0865/1.11* 1271.** Page 1174, line 21: after “(e)” insert “or (f)”.

10 ***b0865/1.12* 1272.** Page 1174, line 24: after “(e)” insert “or (f)”.

11 ***b0865/1.13* 1273.** Page 1175, line 20: after “(e)” insert “or (f)”.

12 ***b0957/1.19* 1274.** Page 1176, line 12: after that line insert:

13 ***b0957/1.19*** “SECTION 3710j. 560.80 (8) of the statutes is amended to read:
14 560.80 (8) “Minority business” means a ~~minority business, as defined in s.~~
15 ~~560.036 (1) (e),~~ business certified by the department under s. 560.036 (2) that has its
16 principal place of business in this state.”.

17 ***b0777/1.14* 1275.** Page 1176, line 18: delete the material beginning with
18 that line and ending with page 1179, line 11.

19 ***b0901/3.5* 1276.** Page 1179, line 19: after that line insert:

20 ***b0901/3.5*** “SECTION 3713jm. 562.065 (4) of the statutes is amended to read:
21 562.065 (4) UNCLAIMED PRIZES. ~~Any~~ A licensee under s. 562.05 (1) (b) may retain
22 any winnings on a race which that are not claimed within 90 days after the end of
23 the period authorized for racing in that year under s. 562.05 (9) ~~shall be paid to the~~

1 ~~department. The department shall credit moneys received under this subsection to~~
2 ~~the appropriation accounts under ss. 20.455 (2) (g) and 20.505 (8) (g).”.~~

3 *b1026/1.6* **1277.** Page 1180, line 21: after that line insert:

4 *b1026/1.6* “SECTION 3741n. 609.73 of the statutes is created to read:

5 **609.73 Coverage of contraceptive articles and services.** Managed care
6 plans are subject to s. 632.895 (15).”.

7 *b0785/1.1* **1278.** Page 1181, line 3: after that line insert:

8 *b0785/1.1* “SECTION 3755g. 628.46 (2m) of the statutes is created to read:

9 628.46 (2m) Notwithstanding subs. (1) and (2), a claim for payment for
10 chiropractic services is overdue if not paid within 30 days after the insurer receives
11 clinical documentation from the chiropractor that the services were provided unless,
12 within those 30 days, the insurer provides to the insured and to the chiropractor the
13 written statement under s. 632.875 (2).

14 *b0785/1.1* SECTION 3760m. 632.875 (2) (intro.) of the statutes is amended to
15 read:

16 632.875 (2) (intro.) If, on the basis of an independent evaluation, an insurer
17 restricts or terminates a patient’s coverage for the treatment of a condition or
18 complaint by a chiropractor acting within the scope of his or her license and the
19 restriction or termination of coverage results in the patient becoming liable for
20 payment for his or her treatment, the insurer shall, within the time required under
21 s. 628.46 (2m), provide to the patient and to the treating chiropractor a written
22 statement that contains all of the following:”.

23 *b0787/1.1* **1279.** Page 1181, line 3: after that line insert:

24 *b0787/1.1* “SECTION 3755c. 628.46 (1) of the statutes is amended to read:

1 628.46 (1) Unless otherwise provided by law, an insurer shall promptly pay
2 every insurance claim. A claim shall be overdue if not paid within 30 days after the
3 insurer is furnished written notice of the fact of a covered loss and of the amount of
4 the loss. If such written notice is not furnished to the insurer as to the entire claim,
5 any partial amount supported by written notice is overdue if not paid within 30 days
6 after such written notice is furnished to the insurer. Any part or all of the remainder
7 of the claim that is subsequently supported by written notice is overdue if not paid
8 within 30 days after written notice is furnished to the insurer. ~~Any~~ Except as
9 provided in sub. (2c), any payment shall not be deemed overdue when the insurer has
10 reasonable proof to establish that the insurer is not responsible for the payment,
11 notwithstanding that written notice has been furnished to the insurer. For the
12 purpose of calculating the extent to which any claim is overdue, payment shall be
13 treated as being made on the date a draft or other valid instrument which is
14 equivalent to payment was placed in the U.S. mail in a properly addressed, postpaid
15 envelope, or, if not so posted, on the date of delivery. All overdue payments shall bear
16 simple interest at the rate of 12% per year.

17 ***b0787/1.1* SECTION 3755e.** 628.46 (2c) of the statutes is created to read:

18 628.46 (2c) An insurer issuing a health care plan, as defined in s. 628.36 (2)
19 (a) 1., shall pay a claim that is covered under the health care plan within the time
20 required under subs. (1) and (2), even if the claim may be payable under ch. 102 but
21 has not yet been finally determined to be payable under ch. 102.”.

22 ***b0798/1.1* 1280.** Page 1181, line 3: after that line insert:

23 ***b0798/1.1* “SECTION 3755c.** 632.38 (1) (c) of the statutes is amended to read:

1 632.38 (1) (c) “Motor vehicle” means any motor-driven vehicle required to be
2 registered under ch. 341 or exempt from registration under s. 341.05 (2), including
3 a demonstrator or executive vehicle not titled or titled by a manufacturer or a motor
4 vehicle dealer. “Motor vehicle” does not ~~mean~~ include a moped, as defined in s. 340.01
5 (29m), motorcycle, as defined in s. 340.01 (32), semitrailer, or trailer designed for use
6 in combination with a truck or truck tractor.

7 ***b0798/1.1* SECTION 3755e.** 632.38 (2) (intro.) of the statutes is amended to
8 read:

9 632.38 (2) NOTICE OF INTENDED USE; MOTOR VEHICLES OLDER THAN 5 MODEL YEARS.
10 (intro.) An insurer or the insurer’s representative may not require directly or
11 indirectly the use of a nonoriginal manufacturer replacement part in the repair of an
12 insured’s motor vehicle that is more than 5 model years of age when the damage for
13 which the repair is to be made occurs, unless the insurer or the insurer’s
14 representative provides to the insured the notice described in this subsection in the
15 manner required in sub. (3) ~~or (4)~~. The notice shall be in writing and shall include
16 all of the following information:

17 ***b0798/1.1* SECTION 3755g.** 632.38 (2m) of the statutes is created to read:

18 632.38 (2m) NOTICE AND AUTHORIZATION FOR USE; MOTOR VEHICLES 5 MODEL YEARS
19 OLD OR NEWER. An insurer or the insurer’s representative may not require directly
20 or indirectly the use of a nonoriginal manufacturer replacement part in the repair
21 of an insured’s motor vehicle that is 5 model years of age or newer when the damage
22 for which the repair is to be made occurs, unless the insurer or the insurer’s
23 representative provides to the insured the notice and authorization form described
24 in this subsection in the manner required in sub. (3) and receives written
25 authorization from the insured before any nonoriginal manufacturer replacement

1 part is installed on the insured's motor vehicle. The notice must be given, and
2 authorization must be obtained, on a form that is entitled "Replacement Parts Notice
3 and Authorization Form" and that includes only the following information:

4 (a) A clear identification of each nonoriginal manufacturer replacement part
5 that will be used in the repair of the insured's motor vehicle if the insured provides
6 authorization for the part's use.

7 (b) A statement that the insured may choose to have replacement parts that
8 are made by or for the manufacturer of the insured's motor vehicle used in the repair
9 of the insured's motor vehicle.

10 (c) A statement that the insurer's obligation to cover repairs to the insured's
11 motor vehicle will not be affected by the insured's choice under par. (b).

12 (d) A statement that nonoriginal manufacture replacement parts are not
13 covered by the warranty of the manufacturer of the insured's motor vehicle.

14 (e) Two signature lines for the insured's signature, with one line designated as
15 authorizing the use, in the repair, of nonoriginal manufacturer replacement parts
16 and the other line designated as requiring the use, in the repair, of only replacement
17 parts made by or for the manufacturer of the insured's motor vehicle. In addition,
18 the form shall allow the insured to authorize the use of a nonoriginal manufacturer
19 replacement part or to require the use of a replacement part made by or for the
20 manufacturer of the insured's motor vehicle with respect to each replacement part
21 to be used in the repair.

22 *b0798/1.1* SECTION 3755k. 632.38 (3) (title) of the statutes is amended to
23 read:

24 632.38 (3) (title) DELIVERY OF NOTICE OR NOTICE AND AUTHORIZATION FORM.

1 ***b0798/1.1* SECTION 3755m.** 632.38 (3) (a) of the statutes is renumbered
2 632.38 (3) (a) 1. and amended to read:

3 632.38 (3) (a) 1. The notice ~~described in~~ required under sub. (2) shall appear
4 on or be attached to the estimate of the cost of repairing the insured's motor vehicle
5 if the estimate is based on the use of one or more nonoriginal manufacturer
6 replacement parts and is prepared by the insurer or the insurer's representative.

7 3. The insurer or the insurer's representative shall deliver the estimate and
8 notice or notice and authorization form to the insured before the motor vehicle is
9 repaired.

10 ***b0798/1.1* SECTION 3755n.** 632.38 (3) (a) 2. of the statutes is created to read:

11 632.38 (3) (a) 2. The notice and authorization form required under sub. (2m)
12 shall be attached to the estimate of the cost of repairing the insured's motor vehicle
13 if the estimate is based on the use of one or more nonoriginal manufacturer
14 replacement parts and is prepared by the insurer or the insurer's representative.

15 ***b0798/1.1* SECTION 3755p.** 632.38 (3) (b) of the statutes is amended to read:

16 632.38 (3) (b) If the insurer or the insurer's representative directs the insured
17 to obtain one or more estimates of the cost of repairing the insured's motor vehicle
18 and the estimate approved by the insurer or the insurer's representative clearly
19 identifies one or more nonoriginal manufacturer replacement parts to be used in the
20 repair, the insurer or the insurer's representative shall assure delivery of the notice
21 described in required under sub. (2), or deliver the estimate approved by the insurer
22 or the insurer's representative with the notice and authorization form required
23 under sub. (2m) attached, to the insured before the motor vehicle is repaired.

24 ***b0798/1.1* SECTION 3755q.** 632.38 (3) (c) of the statutes is amended to read:

1 632.38 (3) (c) The insurer or the insurer’s representative may not require the
2 person repairing the motor vehicle to ~~give~~ provide to the insured the notice described
3 ~~in required under sub. (2) or the notice and authorization form required under sub.~~
4 (2m).

5 ***b0798/1.1* SECTION 3755s.** 632.38 (3) (d) of the statutes is repealed.

6 ***b0798/1.1* SECTION 3755u.** 632.38 (4) of the statutes is repealed.”.

7 ***b0898/2.29* 1281.** Page 1181, line 3: after that line insert:

8 ***b0898/2.29* “SECTION 15759g.** 632.745 (6) (a) 2p. of the statutes is created
9 to read:

10 632.745 (6) (a) 2p. The Milwaukee County child welfare district under s.
11 48.562.”.

12 ***b1035/1.1* 1282.** Page 1181, line 3: after that line insert:

13 ***b1035/1.1* “SECTION 3759m.** 632.835 (1) (c) of the statutes is amended to
14 read:

15 632.835 (1) (c) “Health benefit plan” has the meaning given in s. 632.745 (11),
16 except that “health benefit plan” includes the types of coverage specified in s. 632.745
17 (11) (b) 1., 2., 3., 5., and 10.”.

18 ***b0887/1.7* 1283.** Page 1181, line 12: after that line insert:

19 ***b0887/1.7* “SECTION 3766r.** 635.19 (6) of the statutes is repealed.”.

20 ***b0960/1.5* 1284.** Page 1181, line 12: after that line insert:

21 ***b0960/1.5* “SECTION 3766m.** 635.02 (4m) of the statutes is repealed.

22 ***b0960/1.5* SECTION 3766p.** 635.05 (1) of the statutes is amended to read:

23 635.05 (1) Establishing restrictions on premium rates that a small employer
24 insurer may charge a small employer such that the premium rates charged to small

1 employers with similar case characteristics for the same or similar benefit design
2 characteristics ~~do not vary from the midpoint rate for those small employers by more~~
3 ~~than 35% of that midpoint rate~~ are the same.”

4 *b1026/1.7* **1285.** Page 1181, line 12: after that line insert:

5 *b1026/1.7* “SECTION 3763c. 632.895 (15) of the statutes is created to read:

6 632.895 (15) CONTRACEPTIVE ARTICLES AND SERVICES. (a) In this subsection:

7 1. “Contraceptive article” means any of the following:

8 a. A drug, medicine, mixture, preparation, instrument, article, or device of any
9 nature that is approved by the federal food and drug administration for use to
10 prevent a pregnancy, that is prescribed by a licensed health care provider for use to
11 prevent a pregnancy, and that may not be obtained without a prescription from a
12 licensed health care provider. “Contraceptive article” does not include any drug,
13 medicine, mixture, preparation, instrument, article, or device of any nature
14 prescribed for use in terminating the pregnancy of a woman who is known by the
15 prescribing licensed health care provider to be pregnant.

16 b. A hormonal compound that is taken orally and that is approved by the federal
17 food and drug administration for use to prevent a pregnancy.

18 2. “Religious employer” means an entity that satisfies all of the following
19 criteria:

20 a. The inculcation of religious values is the purpose of the entity.

21 b. The entity employs primarily persons who share the religious tenets of the
22 entity.

23 c. The entity serves primarily persons who share the religious tenets of the
24 entity.

1 d. The entity is exempt from filing a federal annual information return under
2 section 6033 (a) (2) (A) (i) and (iii) and (C) (i) of the Internal Revenue Code.

3 (b) Every disability insurance policy, and every self-insured health plan of a
4 county, city, village, or school district, that provides coverage of outpatient health
5 care services, preventive treatments and services, or prescription drugs and devices
6 shall provide coverage for all of the following:

7 1. Contraceptive articles.

8 2. Medical services, including counseling and physical examinations, for the
9 prescription or use of a contraceptive article or of a procedure to prevent a pregnancy.

10 3. Medical procedures performed to prevent a pregnancy.

11 (c) Coverage under this subsection may be subject to exclusions or limitations,
12 including copayments and deductibles, that apply generally to the benefits that are
13 provided under the policy or self-insured health plan.

14 (d) This subsection does not apply to any of the following:

15 1. A disability insurance policy that covers only certain specified diseases.

16 2. A health care plan offered by a limited service health organization, as defined
17 in s. 609.01 (3), or by a preferred provider plan, as defined in s. 609.01 (4), that is not
18 a managed care plan, as defined in s. 609.01 (3c).

19 3. A medicare replacement policy, a medicare supplement policy, or a long-term
20 care insurance policy.

21 4. A disability insurance policy that is issued to a religious employer, if the
22 religious employer requests that the insurer issuing the policy not provide the
23 coverage specified in par. (b) 1. to 3. on the basis that the articles and services covered
24 are contrary to the religious employer's religious tenets. A religious employer that
25 makes a request under this subdivision shall provide written notice to a prospective

1 insured under the policy, prior to that person's coverage under the policy, that
2 specifies the articles and services under par. (b) 1. to 3. that will not be covered on
3 the basis of the employer's request.”.

4 *b0829/2.46* **1286.** Page 1182, line 3: delete lines 3 to 6.

5 *b1010/1.2* **1287.** Page 1182, line 6: after that line insert:

6 *b1010/1.2* “SECTION 3773m. 753.015 of the statutes is created to read:

7 **753.015 Election of circuit judges.** (1) Except as provided in sub. (2), circuit
8 judges shall be elected by the qualified electors of the circuit on a countywide basis.
9 Except as provided in sub. (2), a circuit judge shall reside in the circuit in which he
10 or she is elected.

11 (2) The circuit judges for branches 1 to 24 in the 1st judicial administrative
12 district shall be elected from a judicial subdistrict, composed of whole supervisory
13 districts, designated as judicial subdistrict “A”. The circuit judges for branches 25
14 to 47 in the 1st judicial administrative district shall be elected from a judicial
15 subdistrict, composed of whole supervisory districts, designated as judicial
16 subdistrict “B”. A circuit judge in the 1st judicial administrative district shall reside
17 in the judicial subdistrict from which he or she is elected. Within 30 days after
18 Milwaukee County adopts a final plan adjusting its supervisory districts under s.
19 59.10 (2) (a), the Milwaukee County board of supervisors shall, to the extent possible,
20 adjust the designation of the supervisory districts that the judicial subdistricts are
21 composed of so that substantially the same territory exists in judicial subdistricts “A”
22 and “B” as existed before the supervisory districts were adjusted. The adjusted
23 subdistricts shall apply to the election of a circuit judge at the spring election
24 following the adjustment.”.

1 ***b1029/2.24* 1288.** Page 1182, line 6: after that line insert:

2 ***b1029/2.24* SECTION 3769m.** 704.90 (9) of the statutes is amended to read:

3 704.90 (9) RULES. The department of ~~agriculture, trade and consumer~~
4 ~~protection justice~~ may promulgate rules necessary to carry out the purposes of this
5 section.

6 ***b1029/2.24* SECTION 3770d.** 704.90 (11) (title) of the statutes is amended to
7 read:

8 704.90 (11) (title) DUTIES OF THE DEPARTMENT OF ~~AGRICULTURE, TRADE AND~~
9 ~~CONSUMER PROTECTION JUSTICE.~~

10 ***b1029/2.24* SECTION 3770f.** 704.90 (11) (a) of the statutes is amended to read:

11 704.90 (11) (a) Except as provided in par. (c), the department of ~~agriculture,~~
12 ~~trade and consumer protection justice~~ shall investigate alleged violations of this
13 section and rules promulgated under sub. (9). To facilitate its investigations, the
14 department may subpoena persons and records and may enforce compliance with the
15 subpoenas as provided in s. 885.12.

16 ***b1029/2.24* SECTION 3770h.** 707.49 (4) of the statutes is amended to read:

17 707.49 (4) SURETY BOND AND OTHER OPTIONS. Instead of placing deposits in an
18 escrow account, a developer may obtain a surety bond issued by a company
19 authorized to do business in this state, an irrevocable letter of credit or a similar
20 arrangement, in an amount which at all times is not less than the amount of the
21 deposits otherwise subject to the escrow requirements of this section. The bond,
22 letter of credit or similar arrangement shall be filed with the department of
23 ~~agriculture, trade and consumer protection justice~~ and made payable to the

1 department of agriculture, trade and consumer protection justice for the benefit of
2 aggrieved parties.

3 *b1029/2.24* SECTION 3770k. 707.57 (2) of the statutes is amended to read:

4 707.57 (2) DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
5 JUSTICE AUTHORITY. (a) The department of agriculture, trade and consumer
6 protection justice, or any district attorney upon informing the department of
7 agriculture, trade and consumer protection justice, may commence an action in
8 circuit court in the name of the state to restrain by temporary or permanent
9 injunction any violation of this chapter. Before entry of final judgment, the court may
10 make such orders or judgments as may be necessary to restore to any person any
11 pecuniary loss suffered because of the acts or practices involved in the action if proof
12 of these acts or practices is submitted to the satisfaction of the court.

13 (b) The department of agriculture, trade and consumer protection justice may
14 conduct hearings, administer oaths, issue subpoenas and take testimony to aid in its
15 investigation of violations of this chapter.

16 *b1029/2.24* SECTION 3770m. 707.57 (3) of the statutes is amended to read:

17 707.57 (3) PENALTY. Any person who violates this chapter shall be required to
18 forfeit not more than \$5,000 for each offense. Forfeitures under this subsection shall
19 be enforced by action on behalf of the state by the department of agriculture, trade
20 and consumer protection justice or by the district attorney of the county where the
21 violation occurs.”.

22 *b1056/1.4* 1289. Page 1184, line 3: after that line insert:

23 *b1056/1.4* “SECTION 3780c. 757.54 of the statutes is renumbered 757.54 (1)
24 and amended to read:

1 757.54 (1) The Except as provided in sub. (2), the retention and disposal of all
2 court records and exhibits in any civil or criminal action or proceeding or probate
3 proceeding of any nature in a court of record shall be determined by the supreme
4 court by rule.

5 ***b1056/1.4* SECTION 3780d.** 757.54 (2) of the statutes is created to read:

6 757.54 (2) (a) In this subsection:

7 1. “Custody” has the meaning given in s. 968.205 (1) (a).

8 2. “Discharge date” has the meaning given in s. 968.205 (1) (b).

9 (b) Except as provided in par. (c), if an exhibit in a criminal action or a
10 delinquency proceeding under ch. 938 includes any biological material that was
11 collected in connection with the action or proceeding, the court presiding over the
12 action or proceeding shall ensure that the exhibit is preserved until every person in
13 custody as a result of the action or proceeding, or as a result of commitment under
14 s. 980.06 that is based on a judgment of guilty or not guilty by reason of mental
15 disease or defect in the action or proceeding, has reached his or her discharge date.

16 (c) Subject to par. (e), the court may destroy biological material before the
17 expiration of the time period specified in par. (b) if all of the following apply:

18 1. The court sends a notice of its intent to destroy the biological material to all
19 persons who remain in custody as a result of the criminal action, delinquency
20 proceeding, or commitment under s. 980.06 and to either the attorney of record for
21 each person in custody or the state public defender.

22 2. No person who is notified under subd. 1. does either of the following within
23 90 days after the date on which the person received the notice:

24 a. Files a motion for testing of the biological material under s. 974.07 (2).

25 b. Submits a written request to preserve the biological material to the court.

1 3. No other provision of federal or state law requires the court to preserve the
2 biological material.

3 (d) A notice provided under par. (c) 1. shall clearly inform the recipient that the
4 biological material will be destroyed unless, within 90 days after the date on which
5 the person receives the notice, either a motion for testing of the material is filed
6 under s. 974.07 (2) or a written request to preserve the material is submitted to the
7 court.

8 (e) If, after providing notice under par. (c) 1. of its intent to destroy biological
9 material, a court receives a written request to preserve the material, the court shall
10 preserve the material until the discharge date of the person who made the request
11 or on whose behalf the request was made, subject to a court order issued under s.
12 974.07 (7), (9) (a), or (10) (a) 5., unless the court authorizes destruction of the
13 biological material under s. 974.07 (9) (b) or (10) (a) 5.”.

14 ***b1094/2.107* 1290.** Page 1184, line 19: delete lines 19 to 25.

15 ***b1094/2.108* 1291.** Page 1185, line 1: delete lines 1 to 6.

16 ***b0995/2.4* 1292.** Page 1185, line 6: after that line insert:

17 ***b0995/2.4* “SECTION 3781d.** 758.19 (8) of the statutes is created to read:

18 758.19 (8) (a) From the appropriation under s. 20.625 (1) (c), the director of
19 state courts shall reimburse counties up to 4 times each year for the actual expenses
20 paid for interpreters required by circuit courts to assist persons with limited English
21 proficiency under s. 885.38 (8) (a) 1. The amount of the reimbursement for mileage
22 shall be 20 cents per mile going and returning from his or her residence if within the
23 state; or, if without the state, from the point where he or she crosses the state
24 boundary to the place of attendance, and returning by the usually traveled route

1 between such points. The amount of the maximum hourly reimbursement for court
2 interpreters shall be as follows:

3 1. Forty dollars for the first hour and \$20 for each additional 0.5 hour for
4 qualified interpreters certified under the requirements and procedures approved by
5 the supreme court.

6 2. Thirty dollars for the first hour and \$15 for each additional 0.5 hour for
7 qualified interpreters, as defined in s. 885.38 (1) (c).

8 (b) To receive reimbursement under par. (a), a county must submit, on forms
9 provided by the director of state courts, an accounting of the amount paid for
10 expenses related to court interpreters that are eligible for reimbursement under par.
11 (a). The forms must include expenses for the preceding 3-month period and must
12 be submitted within 90 days after that 3-month period has ended. The director of
13 state courts may not reimburse a county for any expenses related to court
14 interpreters that are submitted after the 90-day period has ended. Reimbursement
15 under par. (a) first applies to court interpreter expenses incurred on the effective date
16 of this paragraph [revisor inserts date].”

17 ***b0789/1.3* 1293.** Page 1190, line 16: after that line insert:

18 ***b0789/1.3*** “SECTION 3788m. 767.27 (2) of the statutes is amended to read:
19 767.27 (2) ~~Except as provided in sub. (2m), disclosure~~ Disclosure forms
20 required under this section shall be filed within 90 days after the service of summons
21 or the filing of a joint petition or at such other time as ordered by the court or family
22 court commissioner. Information contained on such forms shall be updated on the
23 record to the date of hearing.

24 ***b0789/1.3*** SECTION 3788p. 767.27 (2m) of the statutes is amended to read:

1 767.27 (2m) In every action in which the court has ordered a party to pay child
2 support under s. 767.25, 767.51 or 767.62 (4) or family support under s. 767.261 and
3 the circumstances specified in s. 767.075 (1) apply this chapter, including an action
4 to revise a judgment or order under s. 767.32, the court shall require the party who
5 is ordered to pay the support to annually furnish the disclosure form required under
6 this section and may require that party to annually furnish a copy of his or her most
7 recently filed state and federal income tax returns to the county child support agency
8 under s. 59.53 (5) for the county in which the order was entered. In any action in
9 which the court has ordered a party to pay child support under s. 767.25, 767.51 or
10 767.62 (4) or family support under s. 767.261, the court may require the party who
11 is ordered to pay the support to annually furnish the disclosure form required under
12 this section and a copy of his or her most recently filed state and federal income tax
13 returns to the party for whom the support has been awarded parties annually to
14 exchange financial information. A party who fails to furnish the information as
15 required by the court under this subsection may be proceeded against for contempt
16 of court under ch. 785. If the court finds that a party has failed to furnish the
17 information required under this subsection, the court may award to the party
18 bringing the action costs and, notwithstanding s. 814.04 (1), reasonable attorney
19 fees.”

20 ***b0789/1.4* 1294.** Page 1195, line 22: delete lines 22 to 24 and substitute:
21 “(5) (a) Nothing in this section affects a party’s right to file at any time a motion,
22 petition, or order to show cause under s. 767.32 for revision of a judgment or order
23 with respect to an amount of child or family support.

1 (b) Nothing in this section affects a party's right to move the court for a finding
2 of contempt of court or for remedial sanctions under ch. 785 if the other party
3 unreasonably fails to provide or disclose information required under this section or
4 unreasonably fails or refuses to sign a stipulation for an annual adjustment.”.

5 *b0784/1.1* **1295.** Page 1195, line 24: after that line insert:

6 *b0784/1.1* “SECTION 3793m. 767.51 (3m) of the statutes is created to read:

7 767.51 (3m) (a) Upon the request of both parents, the court shall include in the
8 judgment or order determining paternity an order changing the name of the child to
9 a name agreed upon by the parents.

10 (b) Except as provided in par. (a), the court may include in the judgment or order
11 determining paternity an order changing the surname of the child to a surname that
12 consists of the surnames of both parents separated by a hyphen or, if one or both
13 parents have more than one surname, of one of the surnames of each parent
14 separated by a hyphen, if all of the following apply:

15 1. Only one parent requests that the child's name be changed, or both parents
16 request that the child's name be changed but each parent requests a different name
17 change.

18 2. The court finds that such a name change is in the child's best interest.

19 (c) Section 786.36 does not apply to a name change under this subsection.”.

20 *b1029/2.25* **1296.** Page 1200, line 8: after that line insert:

21 *b1029/2.25* “SECTION 3816g. 779.41 (1m) of the statutes is amended to read:

22 779.41 (1m) Annually, on January 1, the department of agriculture, trade and
23 ~~consumer protection justice~~ shall adjust the dollar amounts identified under sub. (1)

1 (intro.), (a), (b) and (c) 1. to 4. by the annual change in the consumer price index, as
2 determined under s. 16.004 (8) (e) 1., and publish the adjusted figures.

3 *b1029/2.25* SECTION 3816j. 779.93 (title) of the statutes is amended to read:

4 779.93 (title) **Duties of the department of agriculture, trade and**
5 **consumer protection justice.**

6 *b1029/2.25* SECTION 3816m. 779.93 (1) of the statutes is amended to read:

7 779.93 (1) The department of ~~agriculture, trade and consumer protection~~
8 justice shall investigate violations of this subchapter and attempts to circumvent
9 this subchapter. The department of ~~agriculture, trade and consumer protection~~
10 justice may subpoena persons and records to facilitate its investigations, and may
11 enforce compliance with such subpoenas as provided in s. 885.12.

12 *b1029/2.25* SECTION 3816p. 779.93 (2) (intro.) of the statutes is amended to
13 read:

14 779.93 (2) (intro.) The department of ~~agriculture, trade and consumer~~
15 ~~protection justice~~ may ~~in~~ on behalf of the state or ~~in~~ on behalf of any person who holds
16 a prepaid maintenance lien.”.

17 *b0954/1.4* 1297. Page 1203, line 23: after that line insert:

18 *b0954/1.4* “SECTION 3823k. 800.09 (1) (b) of the statutes is amended to read:

19 800.09 (1) (b) If the defendant agrees to perform community service work in
20 lieu of making restitution or paying the forfeiture, assessments, and costs, or both,
21 the court may order that the defendant perform community service work for a public
22 agency or a nonprofit charitable organization that is designated by the court.
23 Community service work may be in lieu of restitution only if also agreed to by the
24 public agency or nonprofit charitable organization and by the person to whom

1 restitution is owed. The court may utilize any available resources, including any
2 community service work program, in ordering the defendant to perform community
3 service work. The number of hours of community service work required may not
4 exceed the number determined by dividing the amount owed on the forfeiture by the
5 minimum wage established under ~~ch. 104 for adults in nonagriculture, nontipped~~
6 ~~employment~~ s. 104.035 (2). The court shall ensure that the defendant is provided a
7 written statement of the terms of the community service order and that the
8 community service order is monitored.”.

9 *b0954/1.5* **1298**. Page 1204, line 16: after that line insert:

10 *b0954/1.5* “**SECTION 3824q.** 800.095 (4) (b) 3. of the statutes is amended to
11 read:

12 800.095 (4) (b) 3. That the defendant perform community service work for a
13 public agency or a nonprofit charitable organization designated by the court, except
14 that the court may not order the defendant to perform community service work
15 unless the defendant agrees to perform community service work and, if the
16 community service work is in lieu of restitution, unless the person to whom the
17 restitution is owed agrees. The court may utilize any available resources, including
18 any community service work program, in ordering the defendant to perform
19 community service work. The number of hours of community service work required
20 may not exceed the number determined by dividing the amount owed on the
21 forfeiture, or restitution, or both, by the minimum wage established under ~~ch. 104~~
22 ~~for adults in nonagriculture, nontipped employment~~ s. 104.035 (2). The court shall
23 ensure that the defendant is provided a written statement of the terms of the
24 community service order and that the community service order is monitored.”.

1 ***b0987/1.1* 1299.** Page 1205, line 14: delete lines 14 to 21.

2 ***b1056/1.5* 1300.** Page 1205, line 21: after that line insert:

3 ***b1056/1.5*** “SECTION 3828c. 801.02 (7) (a) 2. c. of the statutes is amended to
4 read:

5 801.02 (7) (a) 2. c. A person bringing an action seeking relief from a judgment
6 of conviction or a sentence of a court, including an action for an extraordinary writ
7 or a supervisory writ seeking relief from a judgment of conviction or a sentence of a
8 court or an action under s. 809.30, 809.40, 973.19 ~~or~~, 974.06 or 974.07.

9 ***b1056/1.5*** SECTION 3828f. 805.15 (3) (intro.) of the statutes is amended to
10 read:

11 805.15 (3) (intro.) ~~A~~ Except as provided in ss. 974.07 (10) (b) and 980.101 (2)
12 (b), a new trial shall be ordered on the grounds of newly–discovered evidence if the
13 court finds that:

14 ***b1056/1.5*** SECTION 3828h. 805.16 (4) of the statutes is amended to read:

15 805.16 (4) Notwithstanding sub. (1), and except as provided in s. 974.02 (1m),
16 a motion for a new trial based on newly discovered evidence may be made at any time
17 within one year after verdict. Unless an order granting or denying the motion is
18 entered within 90 days after the motion is made, it shall be deemed denied.

19 ***b1056/1.5*** SECTION 3828j. 805.16 (5) of the statutes is created to read:

20 805.16 (5) The time limits in this section for filing motions do not apply to
21 motions made under s. 974.07 (2) or 980.101.”.

22 ***b0936/1.8* 1301.** Page 1206, line 2: delete lines 2 to 4.

23 ***b1056/1.6* 1302.** Page 1206, line 4: after that line insert:

1 ***b1056/1.6*** **SECTION 3829d.** 808.075 (4) (h) of the statutes is amended to
2 read:

3 808.075 (4) (h) Commitment, supervised release, recommitment ~~and,~~
4 discharge, and postcommitment relief under ss. 980.06, 980.08, 980.09 ~~and,~~ 980.10,
5 and 980.101 of a person found to be a sexually violent person under ch. 980.

6 ***b1056/1.6*** **SECTION 3829n.** 809.30 (1) (a) of the statutes is amended to read:

7 809.30 (1) (a) “Postconviction relief” means, in a felony or misdemeanor case,
8 an appeal or a motion for postconviction relief other than a motion under s. 805.15
9 (1) based on newly discovered evidence, or under s. 973.19 or, 974.06, or 974.07 (2).

10 In a ch. 48, 51, 55 or 938 case, other than a termination of parental rights case under
11 s. 48.43, it means an appeal or a motion for reconsideration by the trial court of its
12 final judgment or order; in such cases a notice of intent to pursue such relief or a
13 motion for such relief need not be styled as seeking “postconviction” relief.

14 ***b1056/1.6*** **SECTION 3829p.** 809.30 (2) (L) of the statutes is amended to read:

15 809.30 (2) (L) An appeal under s. 974.06 or 974.07 is governed by the
16 procedures for civil appeals.”.

17 ***b0987/1.2*** **1303.** Page 1206, line 5: delete lines 5 to 12.

18 ***b0940/1.3*** **1304.** Page 1207, line 19: substitute “~~100.30 (5m),~~” for “100.30
19 (5m),”.

20 ***b0825/1.4*** **1305.** Page 1207, line 22: after that line insert:

21 ***b0825/1.4*** **SECTION 3830p.** 814.245 (2) (d) of the statutes is amended to
22 read:

23 814.245 (2) (d) “State agency” does not include the public intervenor or citizens
24 utility board.”.

1 ***b0872/2.2* 1306.** Page 1208, line 13: after that line insert:

2 ***b0872/2.2* "SECTION 3835g.** 814.66 (1) (a) 2. of the statutes is amended to
3 read:

4 814.66 (1) (a) 2. For filing a petition whereby any proceeding in estates of
5 deceased persons is commenced, if the value of the property subject to
6 administration, less encumbrances, liens or charges, is \$10,000 or less, a fee of \$10
7 \$20 and, if more than \$10,000, a fee of ~~0.1%~~ 0.2% of the value of the property subject
8 to administration, less encumbrances, liens or charges. The register in probate may
9 not base a fee under this subdivision upon the value of property that is not subject
10 to administration.

11 ***b0872/2.2* SECTION 3835h.** 814.66 (1) (b) 2. of the statutes is amended to
12 read:

13 814.66 (1) (b) 2. For filing a petition for guardianship of the estate under ch.
14 880 or an application for conservatorship under ch. 880, if the value of the property,
15 less encumbrances, liens or charges, is \$10,000 or less, a fee of \$10 \$20 and, if more
16 than \$10,000, a fee of ~~0.1%~~ 0.2% of the value of the property, less encumbrances, liens
17 or charges.

18 ***b0872/2.2* SECTION 3835i.** 814.66 (3) of the statutes is amended to read:

19 814.66 (3) The register in probate shall, on the first Monday of each month, pay
20 into the office of the county treasurer all fees collected by him or her and in his or her
21 hands and still unclaimed as of that day. Each county treasurer shall make a report
22 under oath to the state treasurer on or before the 5th day of January, April, July and
23 October of all fees received by him or her under sub. (1) (a) to (f) up to the first day
24 of each of those months and shall at the same time pay ~~50%~~ 66.67% of the fees to the

1 state treasurer for deposit in the general fund. Each county treasurer shall retain
2 the balance of fees received by him or her under this section for the use of the county.”.

3 *b0995/2.5* **1307.** Page 1208, line 14: delete lines 14 and 15 and substitute:

4 *b0995/2.5* “SECTION 3836dd. 814.67 (1) (am) of the statutes is created to
5 read:

6 814.67 (1) (am) For witnesses attending before a circuit court, \$16 per day.

7 *b0995/2.5* SECTION 3836f. 814.67 (1) (b) (intro.) of the statutes is amended
8 to read:

9 814.67 (1) (b) (intro.) For attending before ~~any other court~~ the court of appeals
10 or the supreme court:

11 *b0995/2.5* SECTION 3836g. 814.67 (1) (b) 2. of the statutes is amended to read:

12 814.67 (1) (b) 2. For interpreters, \$35 per one-half day a fee determined by the
13 supreme court.”.

14 *b0896/1.1* **1308.** Page 1209, line 3: after that line insert:

15 *b0896/1.1* “SECTION 3842d. 865.08 (1) (intro.) of the statutes is renumbered
16 865.08 (1) (ac) and amended to read:

17 865.08 (1) (ac) Upon receipt of an application and making the determinations
18 required by s. 865.07, the probate registrar may enter a statement of informal
19 administration, admit a will to informal probate, and may appoint the personal
20 representative nominated by the will or requested by the interested parties, subject
21 to qualification and acceptance.

22 *b0896/1.1* SECTION 3842f. 865.08 (1) (a) (intro.) of the statutes is
23 renumbered 865.08 (1) (am) (intro.) and amended to read:

1 865.08 (1) (am) (intro.) ~~Where~~ If no personal representative is named or ~~where~~
2 if the named personal representative fails to qualify, the personal representative
3 shall be ~~either a~~ any of the following:

4 1. A bank or trust company that is entitled to exercise fiduciary powers in this
5 state ~~which and that~~ has the consent of all interested persons, other than creditors
6 of the deceased, ~~or a~~.

7 2. A natural person who has the consent of all interested parties, other than
8 creditors of the deceased, and is: who is not disqualified under s. 856.23.

9 ***b0896/1.1* SECTION 3842h.** 865.08 (1) (a) 1., 2. and 3. of the statutes are
10 repealed.”.

11 ***b0995/2.6* 1309.** Page 1211, line 9: delete the material beginning with that
12 line and ending with page 1214, line 15, and substitute:

13 ***b0995/2.6* “SECTION 3852d.** 885.37 (title) of the statutes is amended to read:
14 **885.37 (title) Interpreters for persons with language difficulties or**
15 **hearing or speaking impairments in municipal courts and administrative**
16 **agency contested cases.**

17 ***b0995/2.6* SECTION 3852g.** 885.37 (1) (a) of the statutes is repealed.

18 ***b0995/2.6* SECTION 3852m.** 885.37 (1) (b) of the statutes is amended to read:
19 885.37 (1) (b) If a municipal court has notice that a person who ~~fits any of the~~
20 criteria under par. (a) is a juvenile or parent subject to ch. 938, or who is a witness
21 in a proceeding under ch. 938, has a language difficulty because of the inability to
22 speak or understand English, has a hearing impairment, is unable to speak or has
23 a speech defect, the court shall make a factual determination of whether the
24 language difficulty or the hearing or speaking impairment is sufficient to prevent the

1 individual from communicating with his or her attorney, reasonably understanding
2 the English testimony or reasonably being understood in English. If the court
3 determines that an interpreter is necessary, the court shall advise the person that
4 he or she has a right to a qualified interpreter and that, if the person cannot afford
5 one, an interpreter will be provided for him or her at the public's expense. Any waiver
6 of the right to an interpreter is effective only if made voluntarily in person, in open
7 court and on the record.

8 ***b0995/2.6* SECTION 3852r.** 885.37 (2) of the statutes is amended to read:

9 885.37 (2) A municipal court may authorize the use of an interpreter in actions
10 or proceedings in addition to those specified in sub. (1) (b).

11 ***b0995/2.6* SECTION 3853g.** 885.37 (4) (a) of the statutes is repealed and
12 recreated to read:

13 885.37 (4) (a) The necessary expense of furnishing an interpreter for an
14 indigent person in a municipal court shall be paid by the municipality.

15 ***b0995/2.6* SECTION 3853m.** 885.37 (5) (a) of the statutes is amended to read:

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

19 ***b0995/2.6* SECTION 3860m.** 885.38 of the statutes is created to read:

20 **885.38 Interpreters in circuit and appellate courts.** (1) In this section:

21 (a) "Court proceeding" means any proceeding before a court of record.

22 (b) "Limited English proficiency" means any of the following:

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

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

4 (c) “Qualified interpreter” means a person who is able to do all of the following:

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

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

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

13 (2) The supreme court shall establish the procedures and policies for the
14 recruitment, training, and certification of persons to act as qualified interpreters in
15 a court proceeding and for the coordination, discipline, retention, and training of
16 those interpreters.

17 (3) (a) In criminal proceedings and in proceedings under ch. 48, 51, 55, or 938,
18 if the court determines that the person has limited English proficiency, and an
19 interpreter is necessary, the court shall advise the person that he or she has the right
20 to a qualified interpreter and that, if the person cannot afford one, an interpreter will
21 be provided at the public’s expense if the person is one of the following:

22 1. A party in interest.

23 2. A witness, while testifying in a court proceeding.

24 3. An alleged victim, as defined in s. 950.02 (4).

1 4. A parent or legal guardian of a minor party in interest or the legal guardian
2 of a party in interest.

3 5. Another person affected by the proceedings, if the court determines that the
4 appointment is necessary and appropriate.

5 (b) The court may appoint more than one qualified interpreter in a court
6 proceeding when necessary.

7 (c) If a person with limited English proficiency, as defined in sub. (1) (b) 2., is
8 part of a jury panel in a court proceeding, the court shall appoint a qualified
9 interpreter for that person.

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

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

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

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

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

5 (6) Any party to a court proceeding may object to the use of any qualified
6 interpreter for good cause. The court may remove a qualified interpreter for good
7 cause.

8 (7) 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 (8) (a) Except as provided in par. (b), the necessary expenses of providing
12 qualified interpreters to indigent persons with limited English proficiency under
13 this section shall be paid as follows:

14 1. The county in which the circuit court is located shall pay the expenses in all
15 proceedings before a circuit court and when the clerk of circuit court uses a qualified
16 interpreter under sub. (3) (d). The county shall be reimbursed as provided in s.
17 758.19 (8) for expenses paid under this subdivision.

18 2. The court of appeals shall pay the expenses in all proceedings before the court
19 of appeals.

20 3. The supreme court shall pay the expenses in all proceedings before the
21 supreme court.

22 (b) The state public defender shall pay the expenses for interpreters assisting
23 the state public defender in representing an indigent person in preparing for court
24 proceedings.”.

1 ***b0980/1.1* 1310.** Page 1216, line 11: delete the material beginning with
2 that line and ending with page 1217, line 25.

3 ***b0954/1.6* 1311.** Page 1218, line 8: after that line insert:

4 ***b0954/1.6* "SECTION 3862y.** 895.035 (2m) (c) of the statutes is amended to
5 read:

6 895.035 (2m) (c) The court assigned to exercise jurisdiction under chs. 48 and
7 938 may order that the juvenile perform community service work for a public agency
8 or nonprofit charitable organization that is designated by the court in lieu of making
9 restitution or paying the forfeiture or surcharge. If the parent agrees to perform
10 community service work in lieu of making restitution or paying the forfeiture or
11 surcharge, the court may order that the parent perform community service work for
12 a public agency or a nonprofit charitable organization that is designated by the court.
13 Community service work may be in lieu of restitution only if also agreed to by the
14 public agency or nonprofit charitable organization and by the person to whom
15 restitution is owed. The court may utilize any available resources, including any
16 community service work program, in ordering the juvenile or parent to perform
17 community service work. The number of hours of community service work required
18 may not exceed the number determined by dividing the amount owed on the
19 restitution, forfeiture, or surcharge by the minimum wage established under ~~ch. 104~~
20 ~~for adults in nonagriculture, nontipped employment s. 104.035 (2).~~ The court shall
21 ensure that the juvenile or parent is provided with a written statement of the terms
22 of the community service order and that the community service order is monitored.”.

23 ***b0984/1.2* 1312.** Page 1219, line 4: after that line insert:

24 ***b0984/1.2* "SECTION 3871c.** 895.59 of the statutes is created to read:

1 **895.59 Liability exemption; outdoor lighting.** Outdoor lighting may not
2 be found to be a nuisance or trespass if all of the following apply:

3 (1) The outdoor lighting complies with the guidelines promulgated under s.
4 101.815 (1).

5 (2) The outdoor lighting meets the requirements for self-certification under s.
6 101.815 (2).

7 (3) The outdoor lighting does not present a substantial threat to public health
8 or safety.”.

9 ***b0995/2.7* 1313.** Page 1219, line 9: substitute “885.38 (1) (b).” for “885.37
10 (1g).”.

11 ***b0974/1.1* 1314.** Page 1219, line 15: after that line insert:

12 ***b0974/1.1*** “SECTION 3872v. 908.03 (6m) (b) (intro.) of the statutes is amended
13 to read:

14 908.03 (6m) (b) *Authentication witness unnecessary.* (intro.) ~~A- The testimony~~
15 of a custodian or other qualified witness required by sub. (6) is unnecessary if the
16 party who intends to offer health care provider records into evidence at a trial or
17 hearing does one of the following at least 40 20 days before the trial or hearing.”.

18 ***b1039/1.2* 1315.** Page 1219, line 15: after that line insert:

19 ***b1039/1.2*** “SECTION 3872x. 908.03 (6m) (d) of the statutes is amended to
20 read:

21 908.03 (6m) (d) *Fees.* ~~The Before July 1, 2002, the department of health and~~
22 family services shall, by rule, prescribe uniform fees that are based on an
23 approximation of the actual costs. The fees, plus applicable state tax, are the
24 maximum amount that a health care provider may charge under par. (c) 3. for

1 certified duplicate patient health care records. The rule shall also allow the health
2 care provider to charge for actual postage or other actual delivery costs. The
3 commencement of an action is not a prerequisite for the application of this
4 paragraph.

5 *b1039/1.2* **SECTION 3872y.** 908.03 (6m) (d) of the statutes, as affected by 2001
6 Wisconsin Act (this act), is amended to read:

7 908.03 (6m) (d) *Fees.* ~~Before July 1~~ After June 30, 2002 the department of
8 health and family services shall, by rule, prescribe uniform fees that are based on an
9 approximation of actual costs. The fees, plus applicable state tax, are the maximum
10 amount that a health care provider may charge for certified duplicate patient health
11 care records. The rule shall also allow the health care provider to charge for actual
12 postage or other actual delivery costs. ~~The commencement of an action is not a~~
13 ~~prerequisite for the application of this paragraph~~ For duplicate patient health care
14 records and duplicate X-ray reports or the referral of X-rays to another health care
15 provider that are requested before commencement of an action, s. 146.83 (1) (b) and
16 (c) and (3m) applies.”.

17 *b1070/2.9* **1316.** Page 1219, line 16: delete lines 16 to 21.

18 *b0929/1.3* **1317.** Page 1219, line 21: after that line insert:

19 *b0929/1.3* **SECTION 3878e.** 938.17 (2) (h) 1. of the statutes is amended to
20 read:

21 938.17 (2) (h) 1. If a juvenile who has violated a municipal ordinance, other
22 than an ordinance enacted under s. 118.163 (1m) or (2), violates a condition of his or
23 her dispositional order, the municipal court may impose on the juvenile any of the
24 sanctions specified in s. 938.355 (6) (d) 2. to 4. 5. that are authorized under par. (cm)

1 except for monitoring by an electronic monitoring system or may petition the court
2 assigned to exercise jurisdiction under this chapter and ch. 48 to impose on the
3 juvenile the sanction specified in s. 938.355 (6) (d) 1. or home detention with
4 monitoring by an electronic monitoring system as specified in s. 938.355 (6) (d) 3., if
5 authorized under par. (cm), if at the time of judgment the court explained the
6 conditions to the juvenile and informed the juvenile of the possible sanctions under
7 s. 938.355 (6) (d) that are authorized under par. (cm) for a violation or if before the
8 violation the juvenile has acknowledged in writing that he or she has read, or has had
9 read to him or her, those conditions and possible sanctions and that he or she
10 understands those conditions and possible sanctions.”.

11 ***b0924/2.4* 1318.** Page 1219, line 22: delete lines 22 to 25.

12 ***b0924/2.5* 1319.** Page 1220, line 1: delete lines 1 to 7 and substitute:

13 ***b0924/2.5* “SECTION 3879d.** 938.183 (3) of the statutes is amended to read:
14 938.183 (3) When a juvenile who is subject to a criminal penalty under sub.
15 (1m) or (2) attains the age of 17 years, the department may place the juvenile in a
16 state prison named in s. 302.01, except that the department may not place any person
17 under the age of 18 years in the correctional institution authorized in s. 301.16 (1n).
18 If a juvenile who is subject to a criminal penalty under sub. (1m) or (2) is 15 years
19 of age or over, the department may transfer the juvenile to the Racine youthful
20 offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). A
21 juvenile who is subject to a criminal penalty under sub. (1m) or (2) for an act
22 committed before December 31, 1999, is eligible for parole under s. 304.06.”.

23 ***b0936/1.10* 1320.** Page 1220, line 8: delete lines 8 to 25.

24 ***b0936/1.11* 1321.** Page 1221, line 1: delete lines 1 to 25.

1 ***b0936/1.12* 1322.** Page 1222, line 1: delete lines 1 to 25.

2 ***b0936/1.13* 1323.** Page 1223, line 1: delete lines 1 to 4.

3 ***b0929/1.4* 1324.** Page 1223, line 4: after that line insert:

4 ***b0929/1.4* "SECTION 3889e.** 938.245 (2) (a) 9m. of the statutes is created to
5 read:

6 938.245 (2) (a) 9m. That the juvenile report to a youth report center after
7 school, in the evening, on weekends, on other nonschool days, or at any other time
8 that the juvenile is not under immediate adult supervision, for participation in the
9 social, behavioral, academic, community service, and other programming of the
10 center. Section 938.34 (5g) applies to any community service work performed by a
11 juvenile under this subdivision.

12 ***b0929/1.4* SECTION 3889g.** 938.245 (5) of the statutes is amended to read:

13 938.245 (5) A deferred prosecution agreement under sub. (2) (a) 1. to 8., (2g)
14 ~~or (2v)~~ may be terminated upon the request of the juvenile, parent, guardian, or legal
15 custodian.”.

16 ***b1056/1.7* 1325.** Page 1223, line 4: after that line insert:

17 ***b1056/1.7* "SECTION 3889p.** 938.293 (2) of the statutes is amended to read:

18 938.293 (2) All records relating to a juvenile which are relevant to the subject
19 matter of a proceeding under this chapter shall be open to inspection by a guardian
20 ad litem or counsel for any party, upon demand and upon presentation of releases
21 where necessary, at least 48 hours before the proceeding. Persons entitled to inspect
22 the records may obtain copies of the records with the permission of the custodian of
23 the records or with the permission of the court. The court may instruct counsel not
24 to disclose specified items in the materials to the juvenile or the parent if the court

1 reasonably believes that the disclosure would be harmful to the interests of the
2 juvenile. ~~Sections~~ Section 971.23 and 972.11 (5) shall be applicable in all delinquency
3 proceedings under this chapter, except that the court shall establish the timetable
4 for the disclosures required under ss. s. 971.23 (1), (2m) and (8), and 972.11 (5) (9).

5 ***b1056/1.7* SECTION 3889r.** 938.299 (4) (a) of the statutes is amended to read:

6 938.299 (4) (a) Chapters 901 to 911 govern the presentation of evidence at the
7 fact-finding hearing under s. 938.31. ~~Section 972.11 (5) applies at fact-finding~~
8 ~~proceedings in all delinquency proceedings under this chapter.”~~

9 ***b0929/1.5* 1326.** Page 1223, line 7: after that line insert:

10 ***b0929/1.5* “SECTION 3890e.** 938.32 (1) (a) of the statutes is amended to read:

11 938.32 (1) (a) At any time after the filing of a petition for a proceeding relating
12 to s. 938.12 or 938.13 and before the entry of judgment, the judge or juvenile court
13 commissioner may suspend the proceedings and place the juvenile under
14 supervision in the juvenile’s own home or present placement. The court may
15 establish terms and conditions applicable to the parent, guardian, or legal custodian,
16 and to the juvenile, including any of the conditions specified in subs. (1d), (1g), (1m),
17 (1p), (1t), (1v), and (1x). The order under this section shall be known as a consent
18 decree and must be agreed to by the juvenile; the parent, guardian, or legal
19 custodian; and the person filing the petition under s. 938.25. If the consent decree
20 includes any conditions specified in sub. (1g), the consent decree shall include
21 provisions for payment of the services as specified in s. 938.361. The consent decree
22 shall be reduced to writing and given to the parties.

23 ***b0929/1.5* SECTION 3890g.** 938.32 (1p) of the statutes is created to read:

1 938.32 **(1p)** The judge or juvenile court commissioner may establish as a
2 condition under sub. (1) that the juvenile report to a youth report center after school,
3 in the evening, on weekends, on other nonschool days, or at any other time that the
4 juvenile is not under immediate adult supervision, for participation in the social,
5 behavioral, academic, community service, and other programming of the center.
6 Section 938.34 (5g) applies to any community service work performed by a juvenile
7 under this subsection.

8 ***b0929/1.5* SECTION 3893t.** 938.34 (7j) of the statutes is created to read:

9 938.34 **(7j)** YOUTH REPORT CENTER. Order the juvenile to report to a youth report
10 center after school, in the evening, on weekends, on other nonschool days, or at any
11 other time that the juvenile is not under immediate adult supervision, for
12 participation in the social, behavioral, academic, community service, and other
13 programming of the center. Subsection (5g) applies to any community service work
14 performed by a juvenile under this subsection.

15 ***b0929/1.5* SECTION 3894s.** 938.342 (1d) (c) of the statutes is created to read:

16 938.342 **(1d)** (c) Order the person to report to a youth report center after school,
17 in the evening, on weekends, on other nonschool days, or at any other time that the
18 person is not under immediate adult supervision, for participation in the social,
19 behavioral, academic, community service, and other programming of the center.
20 Section 938.34 (5g) applies to any community service work performed by a person
21 under this paragraph.

22 ***b0929/1.5* SECTION 3894t.** 938.342 (1g) (k) of the statutes is created to read:

23 938.342 **(1g)** (k) Order the person to report to a youth report center after school,
24 in the evening, on weekends, on other nonschool days, or at any other time that the
25 juvenile is not under immediate adult supervision, for participation in the social,

1 behavioral, academic, community service, and other programming of the center.
2 Section 938.34 (5g) applies to any community service work performed by a person
3 under this paragraph.

4 *b0929/1.5* SECTION 3895f. 938.343 (3m) of the statutes is created to read:

5 938.343 (3m) Order the juvenile to report to a youth report center after school,
6 in the evening, on weekends, on other nonschool days, or at any other time that the
7 juvenile is not under immediate adult supervision, for participation in the social,
8 behavioral, academic, community service, and other programming of the center.
9 Section 938.34 (5g) applies to any community service work performed by a juvenile
10 under this subsection.

11 *b0929/1.5* SECTION 3895j. 938.344 (2g) (a) 5. of the statutes is created to
12 read:

13 938.344 (2g) (a) 5. Report to a youth report center after school, in the evening,
14 on weekends, on other nonschool days, or at any other time that the juvenile is not
15 under immediate adult supervision, for participation in the social, behavioral,
16 academic, community service, and other programming of the center. Section 938.34
17 (5g) applies to any community service work performed by a juvenile under this
18 subdivision.

19 *b0929/1.5* SECTION 3897v. 938.355 (6) (d) 5. of the statutes is created to read:

20 938.355 (6) (d) 5. Participation after school, in the evening, on weekends, on
21 other nonschool days, or at any other time that the juvenile is not under immediate
22 adult supervision, in the social, behavioral, academic, community service, and other
23 programming of a youth report center. Subdivision 4. and s. 938.34 (5g) apply to any
24 community service work performed by a juvenile under this subdivision.”.

1 ***b0936/1.14* 1327.** Page 1223, line 8: delete lines 8 to 20.

2 ***b0929/1.6* 1328.** Page 1223, line 20: after that line insert:

3 ***b0929/1.6* "SECTION 3900k.** 938.355 (6m) (a) (intro.) of the statutes is
4 amended to read:

5 938.355 **(6m)** (a) (intro.) If the court finds by a preponderance of the evidence
6 that a juvenile who has been found to have violated a municipal ordinance enacted
7 under s. 118.163 (2) or who has been found to be in need of protection or services
8 under s. 938.13 (6) has violated a condition specified under sub. (2) (b) 7., the court
9 may order as a sanction any combination of the sanctions specified in subds.1g. to
10 ~~3, 4~~ and the dispositions specified in s. 938.342 (1g) (d) to (j) and (1m), regardless of
11 whether the disposition was imposed in the order violated by the juvenile, if at the
12 dispositional hearing under s. 938.335 the court explained those conditions to the
13 juvenile and informed the juvenile of the possible sanctions under this paragraph for
14 a violation or if before the violation the juvenile has acknowledged in writing that
15 he or she has read, or has had read to him or her, those conditions and possible
16 sanctions and that he or she understands those conditions and possible sanctions.
17 The court may order as a sanction under this paragraph any of the following:

18 ***b0929/1.6* SECTION 3900n.** 938.355 (6m) (a) 4. of the statutes is created to
19 read:

20 938.355 **(6m)** (a) 4. Participation after school, in the evening, on weekends, on
21 other nonschool days, or at any other time that the juvenile is not under immediate
22 adult supervision, in the social, behavioral, academic, community service, and other
23 programming of a youth report center. Subdivision 2. and s. 938.34 (5g) apply to any
24 community service work performed by a juvenile under this subdivision.

1 ***b0929/1.6* SECTION 3900p.** 938.355 (6m) (ag) of the statutes is amended to
2 read:

3 938.355 **(6m)** (ag) If the court finds by a preponderance of the evidence that a
4 juvenile who has been found to have violated a municipal ordinance enacted under
5 s. 118.163 (1m) has violated a condition specified under sub. (2) (b) 7., the court may
6 order as a sanction any combination of the operating privilege suspension specified
7 in par. (a) and the dispositions specified in s. 938.342 (1g) (b) to (j) (k) and (1m),
8 regardless of whether the disposition was imposed in the order violated by the
9 juvenile, if at the dispositional hearing under s. 938.335 the court explained those
10 conditions to the juvenile and informed the juvenile of the possible sanctions under
11 this paragraph for a violation or if before the violation the juvenile has acknowledged
12 in writing that he or she has read, or has had read to him or her, those conditions and
13 possible sanctions and that he or she understands those conditions and possible
14 sanctions.”.

15 ***b1056/1.8* 1329.** Page 1224, line 13: after that line insert:

16 ***b1056/1.8* “SECTION 3908r.** 938.46 of the statutes is renumbered 938.46 (1)
17 and amended to read:

18 938.46 (1) ~~A juvenile~~ Except as provided in sub. (2), a juvenile whose status
19 is adjudicated by the court under this chapter, or the juvenile’s parent, guardian, or
20 legal custodian, may at any time within one year after the entering of the court’s
21 order petition the court for a rehearing on the ground that new evidence has been
22 discovered affecting the advisability of the court’s original adjudication. Upon a
23 showing that such evidence does exist, the court shall order a new hearing.

24 ***b1056/1.8* SECTION 3908s.** 938.46 (2) of the statutes is created to read:

1 938.46 (2) If a juvenile is adjudged delinquent under s. 938.12, the juvenile or
2 the juvenile's parent, guardian, or legal custodian, may at any time after the entering
3 of the court's order petition the court for a rehearing on the ground that new evidence
4 has been discovered affecting the advisability of the court's original adjudication.
5 Upon a showing that such evidence does exist, the court shall order a new hearing.

6 ***b1056/1.8* SECTION 3908t.** 938.46 (3) of the statutes is created to read:

7 938.46 (3) This section does not apply to motions made under s. 974.07 (2).”.

8 ***b0936/1.15* 1330.** Page 1224, line 13: delete that line.

9 ***b0936/1.16* 1331.** Page 1225, line 21: delete lines 21 to 25.

10 ***b0936/1.17* 1332.** Page 1226, line 1: delete lines 1 to 25.

11 ***b0936/1.18* 1333.** Page 1227, line 1: delete lines 1 to 25.

12 ***b0936/1.19* 1334.** Page 1228, line 1: delete lines 1 to 24.

13 ***b0936/1.20* 1335.** Page 1229, line 1: delete lines 1 to 25.

14 ***b0936/1.21* 1336.** Page 1230, line 1: delete lines 1 to 25.

15 ***b0936/1.22* 1337.** Page 1231, line 1: delete lines 1 to 6.

16 ***b0813/1.2* 1338.** Page 1231, line 6: after that line insert:

17 ***b0813/1.2* “SECTION 3928r.** 938.78 (2) (e) of the statutes is amended to read:

18 938.78 (2) (e) Paragraph (a) does not prohibit the department from disclosing
19 information about an individual adjudged delinquent under s. 938.183 or 938.34 for
20 a sexually violent offense, as defined in s. 980.01 (6), to the department of justice, or
21 a district attorney or a judge acting under ch. 980 or to an attorney who represents
22 a person subject to a petition under ch. 980. The court in which the petition under
23 s. 980.02 is filed or, if an action filed under s. 980.02 is transferred to another court

1 under s. 980.02 (6), the court to which the action is transferred, may issue any
2 protective orders that it determines are appropriate concerning information
3 disclosed under this paragraph.”.

4 **1339.** Page 1231, line 7: delete lines 7 to 11.

5 ***b1070/2.10* 1340.** Page 1231, line 12: delete the material beginning with
6 that line and ending with page 1232, line 7.

7 ***b1056/1.9* 1341.** Page 1232, line 19: delete the material beginning with
8 that line and ending with page 1233, line 13, and substitute:

9 ***b1056/1.9* “SECTION 3936c.** 939.74 (2d) of the statutes is created to read:
10 939.74 (2d) (a) In this subsection, “deoxyribonucleic acid profile” means an
11 individual’s patterned chemical structure of genetic information identified by
12 analyzing biological material that contains the individual’s deoxyribonucleic acid.

13 (b) If before the time limitation under sub. (1) expired, the state collected
14 biological material that is evidence of the identity of the person who committed a
15 violation of s. 940.225 (1) or (2), the state identified a deoxyribonucleic acid profile
16 from the biological material, and comparisons of that deoxyribonucleic acid profile
17 to deoxyribonucleic acid profiles of known persons did not result in a probable
18 identification of the person who is the source of the biological material, the state may
19 commence prosecution of the person who is the source of the biological material for
20 violation of s. 940.225 (1) or (2) within 12 months after comparison of the
21 deoxyribonucleic acid profile relating to the violation results in a probable
22 identification of the person, if there is probable cause to believe that the biological
23 material was left by the person at the time the violation was committed.

1 (c) If before the time limitation under sub. (2) (c) expired, the state collected
2 biological material that is evidence of the identity of the person who committed a
3 violation of s. 948.02 (1) or (2) or 948.025, the state identified a deoxyribonucleic acid
4 profile from the biological material, and comparisons of that deoxyribonucleic acid
5 profile to deoxyribonucleic acid profiles of known persons did not result in a probable
6 identification of the person who is the source of the biological material, the state may
7 commence prosecution of the person who is the source of the biological material for
8 violation of s. 948.02 (1) or (2) or 948.025 within 12 months after comparison of the
9 deoxyribonucleic acid profile relating to the violation results in a probable
10 identification of the person, if there is probable cause to believe that the biological
11 material was left by the person at the time the violation was committed.”.

12 *b1049/1.1* **1342.** Page 1241, line 19: delete the material beginning with
13 that line and ending with page 1243, line 18, and substitute:

14 *b1049/1.1* **SECTION 3956f.** 944.205 (2) (a) of the statutes is amended to read:
15 944.205 (2) (a) Takes a photograph or makes a motion picture, videotape, or
16 other visual representation ~~or reproduction~~ that depicts nudity without the
17 knowledge and consent of the person who is depicted nude while that person is nude
18 in a place and circumstance in which he or she has a reasonable expectation of
19 privacy, if the person taking the photograph or making the motion picture, videotape,
20 or other visual representation knows or has reason to know that the person who is
21 depicted nude does not know of and consent to the taking ~~or making~~ of the
22 photograph or the making of the motion picture, videotape, or other visual
23 representation ~~or reproduction~~.

24 *b1049/1.1* **SECTION 3956h.** 944.205 (2) (am) of the statutes is created to read:

1 944.205 (2) (am) Makes a reproduction of a photograph, motion picture,
2 videotape, or other visual representation that the person knows or has reason to
3 know was made in violation of par. (a) and that depicts the nudity depicted in the
4 representation made in violation of par. (a), if the person depicted nude in the
5 reproduction did not consent to the making of the reproduction.

6 ***b1049/1.1* SECTION 3957f.** 944.205 (2) (b) of the statutes is amended to read:

7 944.205 (2) (b) Possesses or distributes a photograph, motion picture,
8 videotape, or other visual representation or reproduction that depicts nudity and
9 that was taken or made ~~without the knowledge and consent of the person who is~~
10 ~~depicted nude in violation of par. (a) or (am),~~ if the person possessing or distributing
11 the representation or reproduction knows or has reason to know that the photograph,
12 motion picture, videotape, or other visual representation or reproduction was taken
13 or made ~~without the knowledge and consent of the person who is depicted nude in~~
14 violation of par. (a) or (am) and if the person who is depicted nude in the
15 representation or reproduction did not consent to the possession or distribution.

16 ***b1049/1.1* SECTION 3958f.** 944.205 (3) of the statutes is amended to read:

17 944.205 (3) Notwithstanding sub. (2) (a), ~~(am),~~ and (b), if the person in a
18 photograph, motion picture, videotape, or other visual representation or
19 reproduction is a child and the taking of the photograph or the making, possession,
20 or distribution of the photograph, motion picture, videotape, or other visual
21 representation or reproduction does not violate s. 948.05 or 948.12, a parent,
22 guardian, or legal custodian of the child may do any of the following:

23 (a) ~~Make~~ Take and possess the photograph or make and possess the
24 ~~photograph,~~ motion picture, videotape, or other visual representation reproduction
25 of the child.

1 (b) Distribute a photograph, taken or possessed, or a motion picture, videotape
2 or other visual representation or reproduction made or possessed, under par. (a) if
3 the distribution is not for commercial purposes.”.

4 *b1056/1.10* **1343.** Page 1250, line 5: after that line insert:

5 *b1056/1.10* “SECTION 3984j. 950.04 (1v) (s) of the statutes is amended to
6 read:

7 950.04 (1v) (s) To have any stolen or other personal property expeditiously
8 returned by law enforcement agencies when no longer needed as evidence, subject
9 to s. 968.205. If feasible, all such property, except weapons, currency, contraband,
10 property subject to evidentiary analysis, property subject to preservation under s.
11 968.205, and property the ownership of which is disputed, shall be returned to the
12 person within 10 days of being taken.”.

13 *b0783/2.12* **1344.** Page 1250, line 14: after that line insert:

14 *b0783/2.12* “SECTION 3984r. 950.04 (1v) (ve) of the statutes is created to
15 read:

16 950.04 (1v) (ve) If a hearing is scheduled in response to a petition filed by the
17 department of corrections under s. 973.032 (4m) (b) for permission to release a person
18 from a placement in the intensive supervision program under s. 301.048 (3) (a) 1., to
19 have the appropriate clerk of court send the victim a copy of a petition and
20 notification of the hearing on that petition under s. 973.032 (4m) (c).”.

21 *b1056/1.11* **1345.** Page 1250, line 14: after that line insert:

22 *b1056/1.11* “SECTION 3984p. 950.04 (1v) (yd) of the statutes is created to
23 read:

1 950.04 (1v) (yd) To have the appropriate clerk of court make a reasonable
2 attempt to send the victim a copy of a motion made under s. 974.07 (2) for
3 postconviction deoxyribonucleic acid testing of certain evidence and notification of
4 any hearing on that motion, as provided under s. 974.07 (4).”.

5 ***b1070/2.11* 1346.** Page 1255, line 22: delete the material beginning with
6 that line and ending with page 1256, line 4.

7 ***b1056/1.12* 1347.** Page 1256, line 4: after that line insert:

8 ***b1056/1.12* “SECTION 3998c.** 968.20 (1) (intro.) of the statutes is amended to
9 read:

10 968.20 (1) (intro.) Any person claiming the right to possession of property
11 seized pursuant to a search warrant or seized without a search warrant may apply
12 for its return to the circuit court for the county in which the property was seized or
13 where the search warrant was returned. The court shall order such notice as it
14 deems adequate to be given the district attorney and all persons who have or may
15 have an interest in the property and shall hold a hearing to hear all claims to its true
16 ownership. If the right to possession is proved to the court’s satisfaction, it shall
17 order the property, other than contraband or property covered under sub. (1m) or (1r)
18 or s. 173.12 ~~or~~, 173.21 (4), or 968.205, returned if:

19 ***b1056/1.12* SECTION 3998e.** 968.20 (2) of the statutes is amended to read:

20 968.20 (2) Property not required for evidence or use in further investigation,
21 unless contraband or property covered under sub. (1m) or (1r) or s. 173.12 or 968.205,
22 may be returned by the officer to the person from whom it was seized without the
23 requirement of a hearing.

24 ***b1056/1.12* SECTION 3998g.** 968.20 (4) of the statutes is amended to read:

1 968.20 (4) Any property seized, other than property covered under s. 968.205,
2 ~~which that~~ poses a danger to life or other property in storage, transportation or use
3 and ~~which that~~ is not required for evidence or further investigation shall be safely
4 disposed of upon command of the person in whose custody they are committed. The
5 city, village, town or county shall by ordinance or resolution establish disposal
6 procedures. Procedures may include provisions authorizing an attempt to return to
7 the rightful owner substances which have a commercial value in normal business
8 usage and do not pose an immediate threat to life or property. If enacted, any such
9 provision shall include a presumption that if the substance appears to be or is
10 reported stolen an attempt will be made to return the substance to the rightful owner.

11 ***b1056/1.12* SECTION 3998i.** 968.205 of the statutes is created to read:

12 **968.205 Preservation of certain evidence. (1)** In this section:

13 (a) “Custody” means actual custody of a person under a sentence of
14 imprisonment, custody of a probationer, parolee, or person on extended supervision
15 by the department of corrections, actual or constructive custody of a person pursuant
16 to a dispositional order under ch. 938, supervision of a person, whether in
17 institutional care or on conditional release, pursuant to a commitment order under
18 s. 971.17 and supervision of a person under ch. 980, whether in detention before trial
19 or while in institutional care or on supervised release pursuant to a commitment
20 order.

21 (b) “Discharge date” means the date on which a person is released or discharged
22 from custody that resulted from a criminal action, a delinquency proceeding under
23 ch. 938, or a commitment proceeding under s. 971.17 or ch. 980 or, if the person is
24 serving consecutive sentences of imprisonment, the date on which the person is
25 released or discharged from custody under all of the sentences.

1 (2) Except as provided in sub. (3), if physical evidence that is in the possession
2 of a law enforcement agency includes any biological material that was collected in
3 connection with a criminal investigation that resulted in a criminal conviction,
4 delinquency adjudication, or commitment under s. 971.17 or 980.06, the law
5 enforcement agency shall preserve the physical evidence until every person in
6 custody as a result of the conviction, adjudication, or commitment has reached his
7 or her discharge date.

8 (3) Subject to sub. (5), a law enforcement agency may destroy biological
9 material before the expiration of the time period specified in sub. (2) if all of the
10 following apply:

11 (a) The law enforcement agency sends a notice of its intent to destroy the
12 biological material to all persons who remain in custody as a result of the criminal
13 conviction, delinquency adjudication, or commitment, and to either the attorney of
14 record for each person in custody or the state public defender.

15 (b) No person who is notified under par. (a) does either of the following within
16 90 days after the date on which the person received the notice:

17 1. Files a motion for testing of the biological material under s. 974.07 (2).

18 2. Submits a written request to preserve the biological material to the law
19 enforcement agency or district attorney.

20 (c) No other provision of federal or state law requires the law enforcement
21 agency to preserve the biological material.

22 (4) A notice provided under sub. (3) (a) shall clearly inform the recipient that
23 the biological material will be destroyed unless, within 90 days after the date on
24 which the person receives the notice, either a motion for testing of the material is

1 filed under s. 974.07 (2) or a written request to preserve the material is submitted
2 to the law enforcement agency.

3 (5) If, after providing notice under sub. (3) (a) of its intent to destroy biological
4 material, a law enforcement agency receives a written request to preserve the
5 material, the law enforcement agency shall preserve the material until the discharge
6 date of the person who made the request or on whose behalf the request was made,
7 subject to a court order issued under s. 974.07 (7), (9) (a), or (10) (a) 5., unless the court
8 authorizes destruction of the biological material under s. 974.07 (9) (b) or (10) (a) 5.

9 *b1056/1.12* SECTION 3998n. 971.04 (3) of the statutes is amended to read:

10 971.04 (3) If the defendant is present at the beginning of the trial and
11 thereafter, during the progress of the trial or before the verdict of the jury has been
12 returned into court, voluntarily absents himself or herself from the presence of the
13 court without leave of the court, the trial or return of verdict of the jury in the case
14 shall not thereby be postponed or delayed, but the trial or submission of said case to
15 the jury for verdict and the return of verdict thereon, if required, shall proceed in all
16 respects as though the defendant were present in court at all times. A defendant
17 need not be present at the pronouncement or entry of an order granting or denying
18 relief under s. 974.02 ~~or~~, 974.06, or 974.07. If the defendant is not present, the time
19 for appeal from any order under ss. 974.02 ~~and~~, 974.06, and 974.07 shall commence
20 after a copy has been served upon the attorney representing the defendant, or upon
21 the defendant if he or she appeared without counsel. Service of such an order shall
22 be complete upon mailing. A defendant appearing without counsel shall supply the
23 court with his or her current mailing address. If the defendant fails to supply the
24 court with a current and accurate mailing address, failure to receive a copy of the

1 order granting or denying relief shall not be a ground for tolling the time in which
2 an appeal must be taken.”.

3 *b1070/2.12* **1348.** Page 1256, line 14: delete the material beginning with
4 that line and ending with page 1258, line 7.

5 *b1056/1.13* **1349.** Page 1258, line 7: after that line insert:

6 *b1056/1.13* “SECTION 4002r. 971.23 (1) (e) of the statutes is amended to read:
7 971.23 (1) (e) Any relevant written or recorded statements of a witness named
8 on a list under par. (d), including any videotaped oral statement of a child under s.
9 908.08, any reports or statements of experts made in connection with the case or, if
10 an expert does not prepare a report or statement, a written summary of the expert’s
11 findings or the subject matter of his or her testimony, and the results of any physical
12 or mental examination, scientific test, experiment or comparison that the district
13 attorney intends to offer in evidence at trial. ~~This paragraph does not apply to~~
14 ~~reports subject to disclosure under s. 972.11 (5).~~

15 *b1056/1.13* SECTION 4002t. 971.23 (2m) (am) of the statutes is amended to
16 read:

17 971.23 (2m) (am) Any relevant written or recorded statements of a witness
18 named on a list under par. (a), including any reports or statements of experts made
19 in connection with the case or, if an expert does not prepare a report or statement,
20 a written summary of the expert’s findings or the subject matter of his or her
21 testimony, and including the results of any physical or mental examination, scientific
22 test, experiment or comparison that the defendant intends to offer in evidence at
23 trial. ~~This paragraph does not apply to reports subject to disclosure under s. 972.11~~
24 ~~(5).~~

1 ***b1056/1.13* SECTION 4002v.** 971.23 (9) of the statutes is created to read:

2 971.23 (9) DEOXYRIBONUCLEIC ACID EVIDENCE. (a) In this subsection
3 “deoxyribonucleic acid profile” has the meaning given in s. 939.74 (2d) (a).

4 (b) Notwithstanding sub. (1) (e) or (2m) (am), if either party intends to submit
5 deoxyribonucleic acid profile evidence at a trial to prove or disprove the identity of
6 a person, the party seeking to introduce the evidence shall notify the other party of
7 the intent to introduce the evidence in writing by mail at least 45 days before the date
8 set for trial; and shall provide the other party, within 15 days of request, the material
9 identified under sub. (1) (e), or par. (2m) (am), whichever is appropriate, that relates
10 to the evidence.

11 (c) The court shall exclude deoxyribonucleic acid profile evidence at trial, if the
12 notice and production deadlines under par. (b) are not met, except the court may
13 waive the 45 day notice requirement or may extend the 15 day production
14 requirement upon stipulation of the parties, or for good cause, if the court finds that
15 no party will be prejudiced by the waiver or extension. The court may in appropriate
16 cases grant the opposing party a recess or continuance.”.

17 ***b1056/1.14* 1350.** Page 1258, line 15: after that line insert:

18 ***b1056/1.14* “SECTION 4003r.** 972.11 (1) of the statutes is amended to read:

19 972.11 (1) Except as provided in subs. (2) to ~~(5)~~ (4), the rules of evidence and
20 practice in civil actions shall be applicable in all criminal proceedings unless the
21 context of a section or rule manifestly requires a different construction. No guardian
22 ad litem need be appointed for a defendant in a criminal action. Chapters 885 to 895,
23 except ss. 804.02 to 804.07 and 887.23 to 887.26, shall apply in all criminal
24 proceedings.

1 ***b1056/1.14* SECTION 4003t.** 972.11 (5) of the statutes is repealed.”.

2 ***b1070/2.13* 1351.** Page 1258, line 16: delete the material beginning with
3 that line and ending with page 1260, line 6.

4 ***b0783/2.13* 1352.** Page 1260, line 6: after that line insert:

5 ***b0783/2.13* “SECTION 4012b.** 973.01 (4) of the statutes is amended to read:
6 973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A
7 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
8 confinement in prison portion of the sentence without reduction for good behavior.
9 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
10 and, if applicable, to reduction under s. 302.045 (3m) or 301.048 (6) (c).”.

11 **1353.** Page 1260, line 7: delete lines 7 to 9.

12 ***b0924/2.6* 1354.** Page 1260, line 10: delete lines 10 to 24.

13 ***b0924/2.7* 1355.** Page 1261, line 1: delete lines 1 and 2 and substitute:

14 ***b0924/2.7* “SECTION 4014d.** 973.013 (3m) of the statutes is amended to read:
15 973.013 (3m) If a person who has not attained the age of 16 years is sentenced
16 to the Wisconsin state prisons, the department of ~~corrections~~ shall place the person
17 at a secured juvenile correctional facility or a secured child caring institution, unless
18 the department of ~~corrections~~ determines that placement in an institution under s.
19 302.01 is appropriate based on the person’s prior record of adjustment in a
20 correctional setting, if any; the person’s present and potential vocational and
21 educational needs, interests and abilities; the adequacy and suitability of available
22 facilities; the services and procedures available for treatment of the person within
23 the various institutions; the protection of the public; and any other considerations
24 promulgated by the department of ~~corrections~~ by rule. The department may not

1 place any person under the age of 18 years in the correctional institution authorized
2 in s. 301.16 (1n). This subsection does not preclude the department of corrections
3 from designating an adult correctional institution, other than the correctional
4 institution authorized in s. 301.16 (1n), as a reception center for the person and
5 subsequently transferring the person to a secured juvenile correctional facility or a
6 secured child caring institution. Section 302.11 and ch. 304 apply to all persons
7 placed in a secured juvenile correctional facility or a secured child caring institution
8 under this subsection.”.

9 *b0783/2.14* **1356.** Page 1261, line 2: after that line insert:

10 *b0783/2.14* “SECTION 4014p. 973.032 (title) of the statutes is amended to
11 read:

12 **973.032 (title) ~~Sentence to~~ Required participation in intensive**
13 **sanctions program.**

14 *b0783/2.14* SECTION 4014pb. 973.032 (1) of the statutes is amended to read:

15 973.032 (1) ~~SENTENCE AUTHORITY TO ORDER. Beginning July 1, 1992, Except as~~
16 ~~provided in sub. (2), a court may sentence order~~ a person who is convicted of a felony
17 ~~occurring on or after August 15, 1991, but before December 31, 1999, to participate~~
18 ~~in the intensive sanctions program under s. 301.048. If a person is convicted of a~~
19 ~~felony occurring on or after December 31, 1999, a court may not sentence the person~~
20 ~~to participate in the intensive sanctions program under s. 301.048~~ during the entire
21 term of confinement in prison portion of the bifurcated sentence.

22 *b0783/2.14* SECTION 4014q. 973.032 (2) (a) of the statutes is amended to
23 read:

1 973.032 (2) (a) A court may sentence order a person to participate in the
2 intensive sanctions program under sub. (1) if the department provides a presentence
3 investigation report recommending that the person be ~~sentenced to~~ ordered to
4 participate in the program. If the department does not make the recommendation,
5 a court may order the department to assess and evaluate the person. After that
6 assessment and evaluation, the court may sentence order the person to participate
7 in the program unless the department objects on the ground that it recommends that
8 the person be placed on probation.

9 ***b0783/2.14* SECTION 4014r.** 973.032 (2) (b) of the statutes is amended to read:
10 973.032 (2) (b) Notwithstanding par. (a), the court may not sentence order a
11 person to participate in the intensive sanctions program under sub. (1) if he or she
12 is convicted of a felony punishable by life imprisonment or has at any time been
13 convicted, adjudicated delinquent, or found not guilty or not responsible by reason
14 of insanity or mental disease, defect, or illness for committing a violent offense, as
15 defined in s. 301.048 (2) (bm).

16 ***b0783/2.14* SECTION 4014s.** 973.032 (3) (intro.) of the statutes is repealed.

17 ***b0783/2.14* SECTION 4014t.** 973.032 (3) (a) of the statutes is repealed.

18 ***b0783/2.14* SECTION 4014u.** 973.032 (3) (b) of the statutes is renumbered
19 973.032 (3) (b) (intro.) and amended to read:

20 973.032 (3) (b) (intro.) ~~The~~ If the court orders a person to participate in the
21 intensive sanctions program under sub. (1), the court shall provide a maximum
22 period for placements do all of the following:

23 1. Order that the person be placed under s. 301.048 (3) (a) 1., which may not
24 exceed for at least one year unless the defendant waives this requirement.

1 ***b0783/2.14* SECTION 4014um.** 973.032 (3) (b) 2. of the statutes is created to
2 read:

3 973.032 (3) (b) 2. Subject to the limitation imposed under s. 301.048 (3) (bm)
4 2., specify the date on which the person is eligible for release from that placement
5 under sub. (4m).

6 ***b0783/2.14* SECTION 4014v.** 973.032 (3) (c) 2. of the statutes is amended to
7 read:

8 973.032 (3) (c) 2. The court may prescribe reasonable and necessary conditions
9 ~~of the sentence in accordance with s. 301.048 (3) in an order issued under sub. (1),~~
10 except the court may not specify a particular Type 1 prison, jail, camp, or facility
11 where the offender is to be placed under s. 301.048 (3) (a) and the court may not
12 restrict the department's authority under s. 301.048 (3) (b) or (c).

13 ***b0783/2.14* SECTION 4014w.** 973.032 (4) of the statutes is repealed.

14 ***b0783/2.14* SECTION 4014wh.** 973.032 (4m) of the statutes is created to read:

15 973.032 (4m) RELEASE TO COMMUNITY. (a) In this subsection, "victim" has the
16 meaning given in s. 950.02 (4).

17 (b) No earlier than 30 days before the date specified by the court under sub. (3)
18 (b) 2., the department may petition the court for permission to release a person
19 subject to an order under sub. (1) from a placement described under s. 301.048 (3) (a)
20 1.

21 (c) Upon the filing of a petition under par. (b), the court, with or without a
22 hearing, may authorize the department to release the person from his or her
23 placement any time after the date specified under sub. (3) (b) 2. If the court schedules
24 a hearing on the petition, the clerk of the circuit court in which the petition is filed
25 shall send a copy of the petition and a notice of hearing to the victim of the crime

1 committed by the inmate, if the victim has submitted a card under par. (e) requesting
2 notification, at least 10 days before the date of the hearing.

3 (d) The notice under par. (c) shall inform the victim that he or she may appear
4 at the hearing and shall inform the victim of the manner in which he or she may
5 provide written statements concerning the inmate's petition for release to extended
6 supervision.

7 (e) The director of state courts shall design and prepare cards for a victim to
8 send to the clerk of the circuit court in which the inmate is convicted and sentenced.
9 The cards shall have space for a victim to provide his or her name and address, the
10 name of the applicable inmate and any other information the director of state courts
11 determines is necessary. The director of state courts shall provide the cards, without
12 charge, to clerks of circuit court. Clerks of circuit court shall provide the cards,
13 without charge, to victims. Victims may send completed cards to the clerk of the
14 circuit court in which the inmate was convicted and sentenced. All court records or
15 portions of records that relate to mailing addresses of victims are not subject to
16 inspection or copying under s. 19.35 (1).

17 (f) If the court schedules a hearing on a petition filed under par. (b), the clerk
18 of the court shall provide a copy of the petition and a notice of the hearing to the
19 district attorney at least 10 days before the hearing.

20 *b0783/2.14* SECTION 4014x. 973.032 (5) of the statutes is repealed.

21 *b0783/2.14* SECTION 4014y. 973.032 (6) of the statutes is amended to read:

22 973.032 (6) CREDIT. Any sentence credit under s. 973.155 (1) applies toward
23 service of the period under sub. (3) (a) the term of confinement in prison portion of
24 the bifurcated sentence of a person who is subject to this section but does not apply
25 toward service of the period under sub. (3) (b).

1 ***b0783/2.14* SECTION 4014z.** 973.032 (7) of the statutes is created to read:

2 973.032 (7) PARTICIPANTS ON EXTENDED SUPERVISION. The court or the
3 department may require a person ordered to participate in the intensive sanctions
4 program under sub. (1) to remain in the intensive sanctions program as a condition
5 of extended supervision, but subs. (2) to (6) do not apply to such persons once they
6 are on extended supervision.”.

7 ***b1070/2.14* 1357.** Page 1265, line 12: delete the material beginning with
8 that line and ending with page 1267, line 7.

9 ***b1070/2.15* 1358.** Page 1268, line 17: delete the material beginning with
10 that line and ending with page 1271, line 6.

11 ***b0783/2.15* 1359.** Page 1271, line 6: after that line insert:

12 ***b0783/2.15* “SECTION 4028n.** 973.20 (10) of the statutes is amended to read:
13 973.20 (10) The court may require that restitution be paid immediately, within
14 a specified period or in specified ~~instalments~~ installments. If the defendant is placed
15 on probation or sentenced to imprisonment, the end of a specified period shall not be
16 later than the end of any period of probation, extended supervision, or parole. ~~If the~~
17 ~~defendant is sentenced to the intensive sanctions program, the end of a specified~~
18 ~~period shall not be later than the end of the sentence under s. 973.032 (3) (a).”.~~

19 ***b1056/1.15* 1360.** Page 1271, line 6: after that line insert:

20 ***b1056/1.15* “SECTION 4028c.** 974.02 (1) of the statutes is amended to read:
21 974.02 (1) A motion for postconviction relief other than a motion under s.
22 805.15 (1) based on newly discovered evidence or a motion under s. 974.06 or 974.07
23 (2) by the defendant in a criminal case shall be made in the time and manner
24 provided in ss. 809.30 and 809.40. An appeal by the defendant in a criminal case from