

1 (b) An individual who was exposed to an illegal drug in utero.

2 (c) An employer of the individual drug user.

3 (d) A medical facility, insurer, governmental entity, employer, or other entity  
4 that funds a drug treatment program or employee assistance program for the  
5 individual drug user or that otherwise expended money on behalf of the individual  
6 drug user.

7 (e) A person injured as a result of the willful, reckless, or negligent actions of  
8 an individual drug user.

9 (4) A person entitled to bring an action under this section may seek damages  
10 from one or more of the following:

11 (a) A person who knowingly distributed, or knowingly participated in the chain  
12 of distribution of, an illegal drug that was used by the individual drug user.

13 (b) A person who knowingly participated in the illegal drug market if all of the  
14 following apply:

15 1. The place of illegal drug activity by the individual drug user is within the  
16 illegal drug market target community of the person under s. 895.93 (2).

17 2. The person's participation in the illegal drug market was connected with the  
18 same type of illegal drug used by the individual drug user.

19 3. The person participated in the illegal drug market at any time during the  
20 individual drug user's period of illegal drug use.

21 (5) A person entitled to bring an action under this section may recover all of  
22 the following:

23 (a) Economic damages, including the cost of treatment and rehabilitation,  
24 medical expenses, loss of economic or educational potential, loss of productivity,

1 absenteeism, support expenses, accidents or injury, and any other pecuniary loss  
2 proximately caused by the illegal drug use.

3 (b) Non-economic damages, including physical and emotional pain, suffering,  
4 physical impairment, emotional distress, mental anguish, disfigurement, loss of  
5 enjoyment, loss of companionship, services, and consortium, and other nonpecuniary  
6 losses proximately caused by an individual's use of an illegal drug.

7 (c) Exemplary damages.

8 (d) Reasonable attorney fees.

9 (e) Costs of the suit, including reasonable expenses for expert testimony.

10 (6) (a) An individual drug user may not bring an action for damages under this  
11 section caused by the use of an illegal drug, except as provided in this subsection.  
12 An individual drug user may bring an action for damages caused by the use of an  
13 illegal drug only if all of the following conditions are met:

14 1. The individual personally discloses to law enforcement authorities, more  
15 than 6 months before filing the action, all of the information known to the individual  
16 regarding all that individual's sources of illegal drugs.

17 2. The individual has not used an illegal drug within the 6 months before filing  
18 the action.

19 3. The individual continues to remain free of the use of an illegal drug  
20 throughout the pendency of the action.

21 (b) A person entitled to bring an action under this subsection may seek  
22 damages only from a person who distributed, or is in the chain of distribution of, an  
23 illegal drug that was actually used by the individual drug user.

24 (c) A person entitled to bring an action under this subsection may recover only  
25 the following damages:

1           1. Economic damages, including, but not limited to, the cost of treatment,  
2           rehabilitation, and medical expenses, loss of economic or educational potential, loss  
3           of productivity, absenteeism, accidents or injury, and any other pecuniary loss  
4           proximately caused by the person's illegal drug use.

5           2. Reasonable attorney fees.

6           3. Costs of the suit, including reasonable expenses for expert testimony.

7           **\*b1336/1.2\* SECTION 3871m.** 895.93 of the statutes is created to read:

8           **895.93 Third party cases and target communities. (1)** A third party may  
9           not pay damages awarded under s. 895.92, or provide a defense or money for a  
10          defense, on behalf of an insured under a contract of insurance or indemnification.

11          **(2)** A person whose participation in the illegal drug market constitutes the  
12          following level of offense shall be considered to have the following illegal drug market  
13          target community:

14          (a) For a level 1 offense, all assembly districts that comprise the person's place  
15          of participation.

16          (b) For a level 2 offense, the target community described in par. (a) plus all  
17          assembly districts with a border contiguous to that target community.

18          (c) For a level 3 offense, the target community described in par. (b) plus all  
19          assembly districts with a border contiguous to that target community.

20          (d) For a level 4 offense, the state.

21          **\*b1336/1.2\* SECTION 3871p.** 895.94 of the statutes is created to read:

22          **895.94 Joinder, responsibility, contribution, and standard of proof. (1)**

23          JOINDER OF PARTIES. (a) Two or more persons may join in one action under s. 895.92  
24          as plaintiffs if their respective actions have at least one place of illegal drug activity

1 in common and if any portion of the period of illegal drug use for one plaintiff overlaps  
2 with the period of illegal drug use for every other plaintiff.

3 (b) Two or more persons may be joined in one action under s. 895.92 as  
4 defendants if those persons are liable to at least one plaintiff.

5 (c) A plaintiff need not be interested in obtaining and a defendant need not be  
6 interested in defending against all the relief demanded. Judgment may be given for  
7 one or more plaintiffs according to their respective rights to relief and against one  
8 or more defendants according to their respective liabilities.

9 (2) COMPARATIVE RESPONSIBILITY. (a) Section 895.045 applies to an action under  
10 s. 895.92.

11 (b) The burden of proving the comparative negligence of the plaintiff is on the  
12 defendant, which shall be shown by clear and convincing evidence.

13 (c) Comparative negligence may not be attributed to a plaintiff who is not an  
14 individual drug user.

15 (3) CONTRIBUTION AMONG AND RECOVERY FROM MULTIPLE DEFENDANTS. A person  
16 subject to liability under s. 895.92 has a right of action for contribution against  
17 another person subject to liability under that section. Contribution may be enforced  
18 either in the original action or by a separate action brought for that purpose. A  
19 plaintiff may seek recovery in accordance with s. 895.92 and existing law against a  
20 person whom a defendant has asserted a right of contribution.

21 (4) STANDARD OF PROOF: EFFECT OF CRIMINAL DRUG CONVICTION. (a) Proof of  
22 participation in the illegal drug market in an action brought under s. 895.92 shall  
23 be shown by clear and convincing evidence. Except as otherwise provided in ss.  
24 895.91 to 895.95, other elements of the cause of action shall be shown by a  
25 preponderance of the evidence.

1 (b) A person against whom recovery is sought who has a criminal conviction  
2 under ch. 961 or 21 USC 801 to 971, is estopped from denying participation in the  
3 illegal drug market. Such a conviction is also prima facie evidence of the person's  
4 participation in the illegal drug market during the two years preceding the date of  
5 an act giving rise to a conviction.

6 (c) The absence of a criminal conviction described under par. (b) of a person  
7 against whom recovery is sought does not bar an action against that person.

8 **\*b1336/1.2\* SECTION 3871r.** 895.95 of the statutes is created to read:

9 **895.95 Attachment, execution, and stay.** (1) Except as provided in sub. (3),  
10 a plaintiff under s. 895.92 may request an ex parte prejudgment attachment order  
11 from the court against all assets of a defendant sufficient to satisfy a potential award.  
12 If attachment is instituted, a defendant is entitled to an immediate hearing.  
13 Attachment may be lifted if the defendant demonstrates that the assets will be  
14 available for a potential award or if the defendant posts a bond sufficient to cover a  
15 potential award.

16 (2) A person against whom a judgment has been rendered under s. 895.92 is  
17 not eligible to exempt any property, of whatever kind, from process to levy or process  
18 to execute on the judgment.

19 (3) Any assets sought to satisfy a judgment in an action under s. 895.92 that  
20 are named in a forfeiture action or that have been seized for forfeiture by any state  
21 or federal agency may not be used to satisfy a judgment unless and until the assets  
22 have been released following the conclusion of the forfeiture action or released by the  
23 agency that seized the assets.

24 (4) The district attorney may represent the state or a political subdivision of  
25 the state in an action brought under s. 895.92.

1           (5) On motion by a governmental agency involved in a drug investigation or  
2 prosecution, an action brought under s. 895.92 shall be stayed until the completion  
3 of the criminal investigation or prosecution that gave rise to the motion for a stay of  
4 the action.”.

5           **\*b1339/1.1\* 1768.** Page 1219, line 4: after that line insert:

6           **\*b1339/1.1\*** “SECTION 3871m. 895.78 of the statutes is created to read:

7           **895.78 Limiting felon’s right to damages.** (1) No person may recover  
8 damages for an injury to real or personal property if the injury was incurred while  
9 committing, or as a result of committing, an act that constituted a felony and the  
10 person was convicted of a felony for that act.

11           (2) No person may recover damages for death or for personal injury if the injury  
12 or death was incurred while committing, or as a result of committing, an act that  
13 constituted a felony and the person was convicted of a felony for that act.”.

14           **\*b1403/4.1\* 1769.** Page 1219, line 4: after that line insert:

15           **\*b1403/4.1\*** “SECTION 3871t. 895.80 (1) of the statutes is amended to read:

16           895.80 (1) Any person who suffers damage or loss by reason of intentional  
17 conduct that occurs on or after November 1, 1995, and that is prohibited under s.  
18 943.01, 943.20, 943.21, 943.24, 943.26, 943.34, 943.395, 943.41, 943.50 ~~or~~, 943.61, or  
19 943.76, or by reason of intentional conduct that occurs on or after April 28, 1998, and  
20 that is prohibited under s. 943.201, has a cause of action against the person who  
21 caused the damage or loss.

22           **\*b1403/4.1\* SECTION 3871u.** 895.80 (3m) of the statutes is created to read:

1           895.80 (3m) (a) In this subsection, “plant” includes the material taken,  
2 extracted, or harvested from a plant, or a seed or other plant material that is being  
3 used or that will be used to grow or develop a plant.

4           (b) If the violation of s. 943.01 (1) involves the circumstances under s. 943.01  
5 (2d), the court may award a prevailing plaintiff the reasonable attorney fees incurred  
6 in litigating the action and, when determining the damages recoverable under sub.  
7 (3), shall include the market value of the plant before the damage or destruction, and  
8 the costs of production, research, testing, replacement, and plant development  
9 directly related to the plant that has been damaged or destroyed.

10           **\*b1403/4.1\* SECTION 3871w.** 895.80 (5) of the statutes is amended to read:

11           895.80 (5) No person may bring a cause of action under both this section and  
12 s. 95.195, 943.212, 943.245 or 943.51 regarding the same incident or occurrence. If  
13 the plaintiff has a cause of action under both this section and s. 943.212, 943.245 or  
14 943.51 regarding the same incident or occurrence, the plaintiff may choose which  
15 action to bring. If the plaintiff has a cause of action under both this section and s.  
16 95.195, the plaintiff must bring the action under s. 95.195.”

17           **\*b1519/2.295\* 1770.** Page 1219, line 4: after that line insert:

18           **\*b1519/2.295\* “SECTION 3867c.** 895.52 (3) (b) of the statutes is amended to  
19 read:

20           895.52 (3) (b) A death or injury caused by a malicious act or by a malicious  
21 failure to warn against an unsafe condition of which an officer, employee or agent  
22 knew, which occurs on property designated by the department of ~~natural resources~~  
23 fish, wildlife, parks, and forestry under s. 23.115 or designated by another state  
24 agency for a recreational activity.

1           **\*b1519/2.295\* SECTION 3867f.** 895.53 (1) (a) of the statutes is amended to read:

2           895.53 (1) (a) “Conservation warden” means a person appointed as a  
3 conservation warden by the department of ~~natural resources~~ fish, wildlife, parks,  
4 and forestry under s. 23.10 (1).

5           **\*b1519/2.295\* SECTION 3867k.** 895.55 (2) (b) of the statutes is amended to  
6 read:

7           895.55 (2) (b) The assistance, advice or care was consistent with the national  
8 contingency plan or the state contingency plan or was otherwise directed by the  
9 federal on–scene coordinator or the secretary of ~~natural resources~~ environmental  
10 management.

11           **\*b1519/2.295\* SECTION 3867p.** 895.56 (2) (c) of the statutes is amended to  
12 read:

13           895.56 (2) (c) The acts or omissions involving petroleum–contaminated soil on  
14 the property were required by reasonably precise specifications in the contract  
15 entered into under s. 84.06 (2), and the acts or omissions conformed to those  
16 specifications, or were otherwise directed by the department of transportation or by  
17 the department of ~~natural resources~~ environmental management.

18           **\*b1519/2.295\* SECTION 3867s.** 895.56 (3) (c) of the statutes is amended to read:

19           895.56 (3) (c) The person fails to warn the department of transportation or the  
20 department of ~~natural resources~~ environmental management about the presence of  
21 petroleum–contaminated soil encountered at the site, if the  
22 petroleum–contaminated soil was reasonably known to the person but not to the  
23 department of transportation or to the department of ~~natural resources~~  
24 environmental management.

25           **\*b1519/2.295\* SECTION 3867w.** 895.57 (3) of the statutes is amended to read:



1           895.57 (3) Subsection (2) does not apply to any humane officer, local health  
2 officer, peace officer, employee of the department of ~~natural resources~~ fish, wildlife,  
3 parks, and forestry while on any land licensed under s. 29.865, 29.867, 29.869 or  
4 29.871 or designated as a wildlife refuge under s. 29.621 (1) or employee of the  
5 department of agriculture, trade and consumer protection if the officer's or  
6 employee's acts are in good faith and in an apparently authorized and reasonable  
7 fulfillment of his or her duties.

8           **\*b1519/2.295\* SECTION 3867y.** 895.58 (1) (a) of the statutes is amended to  
9 read:

10           895.58 (1) (a) "Department" means the department of ~~natural resources~~  
11 environmental management.

12           **\*b1519/2.295\* SECTION 3869b.** 895.58 (1) (d) of the statutes is amended to  
13 read:

14           895.58 (1) (d) "Special waste" means any solid waste that is characterized for  
15 beneficial use in public works projects by the department of ~~natural resources~~  
16 environmental management."

17           **\*b1541/2.6\* 1771.** Page 1219, line 4: after that line insert:

18           **\*b1541/2.6\* "SECTION 3871m.** 895.81 of the statutes is created to read:

19           **895.81 Civil action for domestic abuse or sexual assault.** (1) Any person  
20 who suffers damages as the result of intentional conduct that is prohibited under s.  
21 940.225, or as the result of domestic abuse, as defined in s. 813.12 (1) (a), has a cause  
22 of action against the person who caused the damage.

1           (2) The burden of proof in a civil action under sub. (1) is with the person who  
2 suffers damage or loss to prove his or her case by a preponderance of the credible  
3 evidence.

4           (3) If the plaintiff prevails in a civil action under sub. (1), he or she may recover  
5 all of the following:

6           (a) Treble damages.

7           (b) All costs of investigation and litigation that were reasonably incurred.

8           (4) A person may bring a civil action under sub. (1) regardless of whether there  
9 has been a criminal action related to the loss or damage under sub. (1) and regardless  
10 of the outcome of any such criminal action.”.

11           **\*b1756/1.2\* 1772.** Page 1219, line 4: after that line insert:

12           **\*b1756/1.2\*** “SECTION 3871m. 898.14 of the statutes is repealed.”.

13           **\*b1287/2.7\* 1773.** Page 1219, line 9: substitute “885.38 (1) (b).” for “885.37  
14 (1g).”.

15           **\*b1569/1.8\* 1774.** Page 1219, line 21: after that line insert:

16           **\*b1569/1.8\*** “SECTION 3874. 910.01 (1) of the statutes is amended to read:

17           910.01 (1) WRITINGS AND RECORDINGS. “Writings” and “recordings” consist of  
18 letters, words or numbers, or their equivalent, set down by handwriting, typewriting,  
19 printing, photostating, photographing, magnetic impulse, mechanical or electronic  
20 recording, or other form of data compilation or recording.

21           **\*b1569/1.8\* SECTION 3875.** 910.02 of the statutes is amended to read:

22           **910.02 Requirement of original.** To prove the content of a writing, recording  
23 or photograph, the original writing, recording or photograph is required, except as  
24 otherwise provided in chs. 901 to 911, s. 137.21, or by other statute.

1           **\*b1569/1.8\* SECTION 3876.** 910.03 of the statutes is amended to read:

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

7           **\*b1310/2.1\* 1775.** Page 1219, line 21: after that line insert:

8           **\*b1310/2.1\* “SECTION 3878.** 938.17 (2) (d) of the statutes is amended to read:  
9           938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal  
10 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that  
11 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)  
12 or 961.575 (2), the court shall enter any of the dispositional orders permitted under  
13 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture  
14 imposed by the municipal court, the court may not impose a jail sentence but may  
15 suspend any license issued under ch. 29 for not less than 30 days nor more than 5  
16 years, or, ~~unless the forfeiture was imposed for violating an ordinance unrelated to~~  
17 ~~the juvenile’s operation of a motor vehicle, may suspend the juvenile’s operating~~  
18 ~~privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years~~  
19 more than 2 years. If a court suspends a license or privilege under this section, the  
20 court shall immediately take possession of the applicable license and forward it to  
21 the department that issued the license, together with the notice of suspension clearly  
22 stating that the suspension is for failure to pay a forfeiture imposed by the court. If  
23 the forfeiture is paid during the period of suspension, the court shall immediately  
24 notify the department, which shall thereupon return the license to the person.”.

1           **\*b1827/1.3\* 1776.** Page 1219, line 21: after that line insert:

2           **\*b1827/1.3\*** “SECTION 3876x. 938.02 (15) of the statutes is amended to read:

3           938.02 (15) “Relative” means a parent, grandparent, greatgrandparent,  
4           stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt, whether by  
5           blood, marriage, or adoption.”.

6           **\*b1309/2.5\* 1777.** Page 1223, line 4: after that line insert:

7           **\*b1309/2.5\*** “SECTION 3889r. 938.30 (5) (c) (intro.) of the statutes is amended  
8           to read:

9           938.30 (5) (c) (intro.) If the court finds that the juvenile was not responsible by  
10           reason of mental disease or defect, as described under s. 971.15 ~~(1) and (2)~~ (1g) (a)  
11           and (1r), the court shall dismiss the petition with prejudice and shall also do one of  
12           the following:”.

13           **\*b1428/1.3\* 1778.** Page 1223, line 4: after that line insert:

14           **\*b1428/1.3\*** “SECTION 3887. 938.21 (5) (b) of the statutes is renumbered 938.21  
15           (5) (b) (intro.) and amended to read:

16           938.21 (5) (b) (intro.) An order relating to a juvenile held in custody outside of  
17           his or her home shall also ~~describe~~ include all of the following:

18           1. A description of any efforts that were made to permit the juvenile to remain  
19           at home and the services that are needed to ensure the juvenile’s well-being, to  
20           enable the juvenile to return safely to his or her home, and to involve the parents in  
21           planning for the juvenile.

22           **\*b1428/1.3\*** SECTION 3888. 938.21 (5) (b) 2. of the statutes is created to read:

23           938.21 (5) (b) 2. If the juvenile is held in custody outside the home in a  
24           placement recommended by the intake worker, a statement that the court approves

1 the placement recommended by the intake worker or, if the juvenile is placed outside  
2 the home in a placement other than a placement recommended by the intake worker,  
3 a statement that the court has given bona fide consideration to the recommendations  
4 made by the intake worker and all parties relating to the placement of the juvenile.”.

5 \*b1310/2.2\* **1779.** Page 1223, line 7: after that line insert:

6 \*b1310/2.2\* “SECTION 3894. 938.34 (8) of the statutes, as affected by 1999  
7 Wisconsin Act 185, is amended to read:

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

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

6 **\*b1310/2.2\* SECTION 3895.** 938.343 (2) of the statutes, as affected by 1999  
7 Wisconsin Act 185, is amended to read:

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

23 **\*b1428/1.4\* 1780.** Page 1223, line 7: after that line insert:

1           **\*b1428/1.4\*** “SECTION 3897. 938.355 (2) (b) 6m. of the statutes is created to  
2 read:

3           938.355 (2) (b) 6m. If the juvenile is placed outside the home in a placement  
4 recommended by the agency designated under s. 938.33 (1), a statement that the  
5 court approves the placement recommended by the agency or, if the juvenile is placed  
6 outside the home in a placement other than a placement recommended by that  
7 agency, a statement that the court has given bona fide consideration to the  
8 recommendations made by the agency and all parties relating to the juvenile’s  
9 placement.”.

10           **\*b1428/1.5\* 1781.** Page 1223, line 20: after that line insert:

11           **\*b1428/1.5\*** “SECTION 3901. 938.357 (2v) of the statutes is created to read:  
12           938.357 (2v) If a hearing is held under sub. (1) or (2m) and the change in  
13 placement would place the juvenile outside the home in a placement recommended  
14 by the person or agency primarily responsible for implementing the dispositional  
15 order, the change in placement order shall include a statement that the court  
16 approves the placement recommended by the person or agency or, if the juvenile is  
17 placed outside the home in a placement other than a placement recommended by that  
18 person or agency, a statement that the court has given bona fide consideration to the  
19 recommendations made by that person or agency and all parties relating to the  
20 juvenile’s placement.”.

21           **\*b1519/2.296\* 1782.** Page 1223, line 20: after that line insert:

22           **\*b1519/2.296\*** “SECTION 3888w. 938.237 (1) of the statutes is amended to read:

1           938.237 (1) The citation forms under s. 23.54, 66.0113, 278.54, 778.25, 778.26  
2 or 800.02 may be used to commence an action for a violation of civil laws and  
3 ordinances in the court.

4           **\*b1519/2.296\* SECTION 3889b.** 938.237 (2) of the statutes is amended to read:

5           938.237 (2) The procedures for issuance and filing of a citation, and for  
6 forfeitures, stipulations and deposits in ss. 23.50 to 23.67, 23.75 (3) and (4), ~~66.0113~~  
7 66.0114, 278.50 to 278.67, 278.75 (3) and (4), 778.25, 778.26 and 800.01 to 800.04  
8 except s. 800.04 (2) (b), when the citation is issued by a law enforcement officer, shall  
9 be used as appropriate, except that this chapter shall govern taking and holding a  
10 juvenile in custody, s. 938.37 shall govern costs, penalty assessments and jail  
11 assessments, and a capias shall be substituted for an arrest warrant. Sections  
12 66.0113 (3) (c) and (d), ~~66.0317~~ 66.0114 (1) and 778.10 as they relate to collection of  
13 forfeitures do not apply.”.

14           **\*b1429/1.3\* 1783.** Page 1224, line 13: after that line insert:

15           **\*b1429/1.3\* “SECTION 3905.** 938.38 (2) (intro.) of the statutes is amended to  
16 read:

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



1           **\*b1429/1.3\* SECTION 3906.** 938.38 (4) (f) (intro.) of the statutes is amended to  
2 read:

3           938.38 (4) (f) (intro.) The services that will be provided to the juvenile, the  
4 juvenile’s family, and the juvenile’s foster parent, the juvenile’s treatment foster  
5 parent ~~or~~, the operator of the facility where the juvenile is living, or the relative with  
6 whom the juvenile is living to carry out the dispositional order, including services  
7 planned to accomplish all of the following:

8           **\*b1429/1.3\* SECTION 3907.** 938.38 (5) (a) of the statutes is amended to read:

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

20           **\*b1429/1.3\* SECTION 3908.** 938.38 (5) (b) of the statutes is amended to read:

21           938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,  
22 the juvenile if he or she is 10 years of age or older, and the juvenile’s foster parent,  
23 the juvenile’s treatment foster parent ~~or~~, the operator of the facility in which the  
24 juvenile is living, or the relative with whom the juvenile is living of the date, time,  
25 and place of the review, of the issues to be determined as part of the review, and of

1 the fact that they may have an opportunity to be heard at the review by submitting  
2 written comments not less than 10 working days before the review or by  
3 participating at the review. The court or agency shall notify the person representing  
4 the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem  
5 of the date of the review, of the issues to be determined as part of the review, and of  
6 the fact that they may submit written comments not less than 10 working days before  
7 the review. The notices under this paragraph shall be provided in writing not less  
8 than 30 days before the review and copies of the notices shall be filed in the juvenile's  
9 case record.”.

10 \*b1544/2.5\* **1784.** Page 1234, line 24: after that line insert:

11 \*b1544/2.5\* “SECTION 3937u. 940.20 (1d) of the statutes is created to read:

12 940.20 (1d) BATTERY BY CERTAIN DETAINED OR COMMITTED PERSONS. Any person  
13 committed to the custody of the department of health and family services under s.  
14 971.17 and placed in a mental health institute under s. 51.05 or any person detained  
15 or committed to the department of health and family services under ch. 980 and  
16 placed in a facility specified under s. 980.065 who intentionally causes bodily harm  
17 to an officer, employee, visitor, or another patient of the institute or facility, without  
18 his or her consent, is guilty of a Class D felony.”.

19 \*b1544/2.6\* **1785.** Page 1236, line 12: after that line insert:

20 \*b1544/2.6\* “SECTION 3938r. 942.06 (2m) (b) of the statutes is amended to  
21 read:

22 942.06 (2m) (b) An employee or agent of the department of health and family  
23 services who conducts a lie detector test of a person under ~~the rules promulgated~~  
24 ~~under~~ s. 51.375.

1           **\*b1544/2.6\* SECTION 3938s.** 942.06 (2q) (b) (intro.) of the statutes is amended  
2 to read:

3           942.06 (2q) (b) (intro.) An employee or agent of the department of health and  
4 family services who discloses, to any of the following, the fact that a person has had  
5 a lie detector test ~~under the rules promulgated under s. 51.375~~ or the results of such  
6 a lie detector test:

7           **\*b1544/2.6\* SECTION 3938t.** 942.06 (2q) (b) 1. of the statutes is amended to  
8 read:

9           942.06 (2q) (b) 1. Another employee or agent of the department of health and  
10 family services or another person to whom disclosure is permitted under s. 51.375  
11 (2) (b).”.

12           **\*b1734/1.24\* 1786.** Page 1236, line 12: after that line insert:

13           **\*b1734/1.24\* “SECTION 3938s.** 940.295 (2) (j) of the statutes is amended to  
14 read:

15           940.295 (2) (j) The Wisconsin School Educational Services Program for the  
16 Deaf and Hard of Hearing under s. 115.52 and the Wisconsin Center for the Blind and  
17 Visually Impaired under s. 115.525.”.

18           **\*b1403/4.2\* 1787.** Page 1236, line 17: after that line insert:

19           **\*b1403/4.2\* “SECTION 3938up.** 943.01 (2d) of the statutes is created to read:

20           943.01 (2d) (a) In this subsection, “plant research and development” means  
21 research regarding plants or development of plants, if the research or development  
22 is undertaken in conjunction or coordination with the state, a federal or local  
23 government agency, a university, or a private research facility.

1 (b) Any person violating sub. (1) under all of the following circumstances is  
2 guilty of a Class E felony:

3 1. The property damaged is a plant, material taken, extracted, or harvested  
4 from a plant, or a seed or other plant material that is being used or that will be used  
5 to grow or develop a plant.

6 2. The plant referred to in subd. 1. is or was being grown as feed for animals  
7 being used or to be used for commercial purposes, for other commercial purposes, or  
8 in conjunction with plant research and development.”.

9 \*b1519/2.297\* **1788.** Page 1236, line 23: after that line insert:

10 \*b1519/2.297\* “SECTION 3938v. 943.01 (5) of the statutes is amended to read:

11 943.01 (5) The department of ~~natural resources~~ fish, wildlife, parks, and  
12 forestry shall maintain a registry of prominent features in the landscape of  
13 state-owned land. To be included on the registry, a feature must have significant  
14 value to the people of this state.”.

15 \*b1377/1.3\* **1789.** Page 1237, line 16: after that line insert:

16 \*b1377/1.3\* “SECTION 3939cg. 943.21 (title) of the statutes is amended to read:

17 **943.21 (title) Fraud on hotel or restaurant keeper ~~or~~, taxicab operator,**  
18 **or gas station.**

19 \*b1377/1.3\* SECTION 3939cL. 943.21 (1) (d) of the statutes is created to read:

20 943.21 (1) (d) Having obtained gasoline or diesel fuel from a service station,  
21 garage, or other place where gasoline or diesel fuel is sold at retail or offered for sale  
22 at retail, intentionally absconds without paying for the gasoline or diesel fuel.

23 \*b1377/1.3\* SECTION 3939cp. 943.21 (2r) of the statutes is created to read:

1           943.21 (2r) The refusal to pay a service station, garage, or other place where  
2 gasoline or diesel fuel is sold at retail or offered for sale at retail the established  
3 charge for gasoline or diesel fuel provided by the service station, garage, or other  
4 place constitutes prima facie evidence of an intent to abscond without payment.

5           **\*b1377/1.3\* SECTION 3939ct.** 943.21 (3) of the statutes is renumbered 943.21  
6 (3) (am) and amended to read:

7           943.21 (3) (am) Whoever violates ~~this section~~ sub. (1) (a), (b), or (c):”.

8           **\*b1377/1.4\* 1790.** Page 1237, line 17: delete that line.

9           **\*b1377/1.5\* 1791.** Page 1237, line 18: delete “943.21 (3) (a)” and substitute  
10 “1.”.

11           **\*b1377/1.6\* 1792.** Page 1237, line 21: delete that line.

12           **\*b1377/1.7\* 1793.** Page 1237, line 22: delete “943.21 (3) (b)” and substitute  
13 “2.”.

14           **\*b1377/1.8\* 1794.** Page 1237, line 23: after that line insert:

15           **\*b1377/1.8\* “SECTION 3939ee.** 943.21 (3) (bm) of the statutes is created to  
16 read:

17           943.21 (3) (bm) Whoever violates sub. (1) (d) is subject to a Class D forfeiture.

18           **\*b1377/1.8\* SECTION 3939eg.** 943.21 (3m) of the statutes is created to read:

19           943.21 (3m) If a person is found to have violated sub. (1) (d), the court shall,  
20 in addition to the penalty provided in sub. (3) (bm), suspend the person’s operating  
21 privilege, as defined in s. 340.01 (40), for not more than 6 months, except that if the  
22 person has previously had his or her operating privilege suspended under this  
23 subsection the court shall suspend the person’s operating privilege for one year. The  
24 court shall immediately take possession of any suspended license and forward it to

1 the department of transportation together with the judgment of violation and notice  
2 of the suspension.

3 \*b1377/1.8\* SECTION 3939eL. 943.212 (title) of the statutes is amended to  
4 read:

5 **943.212 (title) Fraud on hotel or restaurant keeper or taxicab operator**  
6 **or gas station; civil liability.**

7 \*b1377/1.8\* SECTION 3939eq. 943.212 (1) (a) of the statutes is amended to  
8 read:

9 943.212 (1) (a) The retail value of the beverage, food, lodging, accommodation,  
10 gasoline or diesel fuel, transportation or service involved in the violation. A person  
11 may recover under this paragraph only if he or she exercises due diligence in  
12 demanding payment for the beverage, food, lodging, accommodation, gasoline or  
13 diesel fuel, transportation or service.

14 \*b1377/1.8\* SECTION 3939ct. 943.212 (4) of the statutes is amended to read:

15 943.212 (4) At least 20 days prior to commencing an action, as specified in s.  
16 801.02, under this section, the plaintiff shall notify the defendant, by mail, of his or  
17 her intent to bring the action and of the acts constituting the basis for the violation  
18 of s. 943.21. The plaintiff shall send the notice by regular mail supported by an  
19 affidavit of service of mailing or by a certificate of mailing obtained from the U.S. post  
20 office from which the mailing was made. The plaintiff shall mail the notice to the  
21 defendant's last-known address or to the address provided on the check or order. If  
22 the defendant pays the amount due for the beverage, food, lodging, accommodation,  
23 gasoline or diesel fuel, transportation or service prior to the commencement of the  
24 action, he or she is not liable under this section.”

1           **\*b1403/4.3\* 1795.** Page 1241, line 18: after that line insert:

2           **\*b1403/4.3\* “SECTION 3951n.** 943.76 of the statutes is created to read:

3           **943.76 Infecting animals with a contagious disease. (1)** In this section,  
4           “livestock” means cattle, horses, swine, sheep, goats, farm–raised deer, as defined in  
5           s. 95.001 (1) (a), and other animals used or to be used in the production of food, fiber,  
6           or other commercial products.

7           **(2)** (a) Whoever intentionally introduces a contagious or infectious disease into  
8           livestock without the consent of the owner of the livestock is guilty of a Class C felony.

9           (b) Whoever intentionally introduces a contagious or infectious disease into  
10          wild deer without the consent of the department of natural resources is guilty of a  
11          Class C felony.”.

12          **\*b1519/2.298\* 1796.** Page 1241, line 18: after that line insert:

13          **\*b1519/2.298\* “SECTION 3951g.** 943.75 (3) of the statutes is amended to read:

14          943.75 **(3)** Subsections (2) and (2m) do not apply to any humane officer, local  
15          health officer, peace officer, employee of the department of ~~natural resources~~ fish,  
16          wildlife, parks, and forestry while on any land licensed under s. 29.865, 29.867,  
17          29.869 or 29.871 or designated as a wildlife refuge under s. 29.621 (1) or employee  
18          of the department of agriculture, trade and consumer protection if the officer’s or  
19          employee’s acts are in good faith and in an apparently authorized and reasonable  
20          fulfillment of his or her duties. This subsection does not limit any other person from  
21          claiming the defense of privilege under s. 939.45 (3).”.

22          **\*b1544/2.7\* 1797.** Page 1245, line 21: after that line insert:

23          **\*b1544/2.7\* “SECTION 3966qi.** 946.42 (3) (h) of the statutes is created to read:

1           946.42 (3) (h) Detained under s. 980.04 or committed to the department of  
2 health and family services under s. 980.06 and placed in institutional care under s.  
3 980.065.”.

4           **\*b1403/4.4\* 1798.** Page 1246, line 4: after “943.01 (2)” insert “, (2d).”.

5           **\*b1403/4.5\* 1799.** Page 1246, line 8: after “943.70” insert “, 943.76”.

6           **1800.** Page 1247, line 23: delete “the character” and substitute “character”.

7           **\*b1311/1.1\* 1801.** Page 1250, line 5: after that line insert:

8           **\*b1311/1.1\* SECTION 3984c.** 948.13 (1) (a) of the statutes is amended to read:  
9           948.13 (1) (a) A crime under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim  
10 is under 18 years of age at the time of the offense, or a crime under s. 948.02 (1) or  
11 (2), 948.025 (1), 948.05 (1) or (1m), 948.06, or 948.07 (1), (2), (3), or (4).

12           **\*b1311/1.1\* SECTION 3984d.** 948.13 (2m) (a) (intro.) of the statutes is amended  
13 to read:

14           948.13 (2m) (a) (intro.) A person who has been convicted of a crime under s.  
15 948.02 (2) or 948.025 (1) may petition the court in which he or she was convicted to  
16 order that the person be exempt from sub. (2) and permitted to engage in an  
17 occupation or participate in a volunteer position that requires the person to work or  
18 interact primarily and directly with children under 16 years of age. The court may  
19 grant a petition filed under this paragraph if the court finds that all of the following  
20 apply:

21           **\*b1311/1.1\* SECTION 3984e.** 948.13 (2m) (a) 1. of the statutes is amended to  
22 read:

23           948.13 (2m) (a) 1. At the time of the commission of the crime under s. 948.02  
24 (2) or 948.025 (1) the person had not attained the age of 19 years and was not more



1 than 4 years older or not more than 4 years younger than the child with whom the  
2 person had sexual contact or sexual intercourse.”.

3 \*b1309/2.6\* **1802.** Page 1256, line 4: after that line insert:

4 \*b1309/2.6\* “SECTION 3998r. 971.06 (1) (am) of the statutes is created to read:  
5 971.06 (1) (am) Guilty but mentally ill, if the defendant is charged with a crime  
6 under s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, or 940.10.”.

7 \*b1519/2.299\* **1803.** Page 1256, line 4: after that line insert:

8 \*b1519/2.299\* “SECTION 3998g. 968.20 (3) (a) of the statutes is amended to  
9 read:

10 968.20 (3) (a) First class cities shall dispose of dangerous weapons or  
11 ammunition seized 12 months after taking possession of them if the owner,  
12 authorized under sub. (1m), has not requested their return and if the dangerous  
13 weapon or ammunition is not required for evidence or use in further investigation  
14 and has not been disposed of pursuant to a court order at the completion of a criminal  
15 action or proceeding. Disposition procedures shall be established by ordinance or  
16 resolution and may include provisions authorizing an attempt to return to the  
17 rightful owner any dangerous weapons or ammunition which appear to be stolen or  
18 are reported stolen. If enacted, any such provision shall include a presumption that  
19 if the dangerous weapons or ammunition appear to be or are reported stolen an  
20 attempt will be made to return the dangerous weapons or ammunition to the  
21 authorized rightful owner. If the return of a seized dangerous weapon other than a  
22 firearm is not requested by its rightful owner under sub. (1) and is not returned by  
23 the officer under sub. (2), the city shall safely dispose of the dangerous weapon or,  
24 if the dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell the motor

1 vehicle following the procedure under s. 973.075 (4) or authorize a law enforcement  
2 agency to retain and use the motor vehicle. If the return of a seized firearm or  
3 ammunition is not requested by its authorized rightful owner under sub. (1) and is  
4 not returned by the officer under sub. (2), the seized firearm or ammunition shall be  
5 shipped to and become property of the state crime laboratories. A person designated  
6 by the department of justice may destroy any material for which the laboratory has  
7 no use or arrange for the exchange of material with other public agencies. In lieu of  
8 destruction, shoulder weapons for which the laboratories have no use shall be turned  
9 over to the department of ~~natural resources~~ fish, wildlife, parks, and forestry for sale  
10 and distribution of proceeds under s. 29.934.

11 **\*b1519/2.299\* SECTION 3998h.** 968.20 (3) (b) of the statutes is amended to  
12 read:

13 968.20 (3) (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village,  
14 town or county or other custodian of a seized dangerous weapon or ammunition, if  
15 the dangerous weapon or ammunition is not required for evidence or use in further  
16 investigation and has not been disposed of pursuant to a court order at the  
17 completion of a criminal action or proceeding, shall make reasonable efforts to notify  
18 all persons who have or may have an authorized rightful interest in the dangerous  
19 weapon or ammunition of the application requirements under sub. (1). If, within 30  
20 days after the notice, an application under sub. (1) is not made and the seized  
21 dangerous weapon or ammunition is not returned by the officer under sub. (2), the  
22 city, village, town or county or other custodian may retain the dangerous weapon or  
23 ammunition and authorize its use by a law enforcement agency, except that a  
24 dangerous weapon used in the commission of a homicide or a handgun, as defined  
25 in s. 175.35 (1) (b), may not be retained. If a dangerous weapon other than a firearm

1 is not so retained, the city, village, town or county or other custodian shall safely  
2 dispose of the dangerous weapon or, if the dangerous weapon is a motor vehicle, as  
3 defined in s. 340.01 (35), sell the motor vehicle following the procedure under s.  
4 973.075 (4). If a firearm or ammunition is not so retained, the city, village, town or  
5 county or other custodian shall ship it to the state crime laboratories and it is then  
6 the property of the laboratories. A person designated by the department of justice  
7 may destroy any material for which the laboratories have no use or arrange for the  
8 exchange of material with other public agencies. In lieu of destruction, shoulder  
9 weapons for which the laboratory has no use shall be turned over to the department  
10 of ~~natural resources~~ fish, wildlife, parks, and forestry for sale and distribution of  
11 proceeds under s. 29.934.”.

12 \*b1309/2.7\* **1804.** Page 1256, line 13: after that line insert:

13 \*b1309/2.7\* “**SECTION 3999k.** 971.15 (1) of the statutes is renumbered 971.15  
14 (1r).

15 \*b1309/2.7\* **SECTION 3999L.** 971.15 (1g) (b) of the statutes is created to read:  
16 971.15 (1g) (b) In this section and ss. 971.16 to 971.165, “mental illness” means  
17 a substantial disorder of thought, mood or behavior that afflicted a person at the time  
18 that he or she engaged in criminal conduct and that impaired the person’s judgment.

19 \*b1309/2.7\* **SECTION 3999n.** 971.15 (2) of the statutes is renumbered 971.15  
20 (1g) (a).

21 \*b1309/2.7\* **SECTION 3999p.** 971.15 (2m) of the statutes is created to read:  
22 971.15 (2m) A person charged with a crime under s. 940.01, 940.02, 940.03,  
23 940.05, 940.06, 940.07, 940.08, 940.09 or 940.10 may be found guilty but mentally  
24 ill if, at the time the person engaged in criminal conduct, he or she was suffering from

1 a mental illness but did not lack substantial capacity either to appreciate the  
2 wrongfulness of his or her conduct or to conform his or her conduct to the  
3 requirements of law as a result of mental disease or defect. A person who is found  
4 guilty but mentally ill is not relieved of criminal responsibility.

5 **\*b1309/2.7\* SECTION 3999r.** 971.16 (3) (intro.) of the statutes is amended to  
6 read:

7 971.16 (3) (intro.) Not less than 10 days before trial, or at any other time that  
8 the court directs, any physician or psychologist appointed under sub. (2) shall file a  
9 report of his or her examination of the defendant with the judge, who shall cause  
10 copies to be transmitted to the district attorney and to counsel for the defendant. The  
11 Except as provided in ss. 971.163 (2) (a) and (3) and 973.017 (4), the contents of the  
12 report shall be confidential until the physician or psychologist has testified or at the  
13 completion of the trial. The report shall contain an opinion regarding the ability of  
14 the defendant to appreciate the wrongfulness of the defendant's conduct or to  
15 conform the defendant's conduct with the requirements of law at the time of the  
16 commission of the criminal offense charged and, if sufficient information is available  
17 to the physician or psychologist to reach an opinion, his or her opinion on whether  
18 the defendant needs medication or treatment and whether the defendant is not  
19 competent to refuse medication or treatment. The defendant is not competent to  
20 refuse medication or treatment if, because of mental illness, developmental  
21 disability, alcoholism or drug dependence, and after the advantages and  
22 disadvantages of and alternatives to accepting the particular medication or  
23 treatment have been explained to the defendant, one of the following is true:

24 **\*b1309/2.7\* SECTION 3999s.** 971.163 of the statutes is created to read:

1           **971.163 Entry of plea of guilty but mentally ill. (1)** If a defendant charged  
2 with a crime under s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09,  
3 or 940.10 has entered a plea of not guilty by reason of mental disease or defect and  
4 has been examined under s. 971.16, the defendant may waive his or her right to a  
5 trial under s. 971.165 and, with the approval of the district attorney, withdraw the  
6 plea of not guilty by reason of mental disease or defect and, instead of a plea of guilty  
7 or no contest, enter a plea of guilty but mentally ill.

8           **(2)** The court may accept a plea of guilty but mentally ill under sub. (1) only  
9 if all of the following apply:

10           (a) The court, with the defendant's consent, has reviewed the reports of all the  
11 examinations conducted under s. 971.16.

12           (b) The court holds a hearing on the issue of the defendant's mental illness and  
13 allows the parties to present evidence at the hearing.

14           (c) Based on the review of reports under par. (a) and any evidence or arguments  
15 presented at the hearing held under par. (b), the court is satisfied that the defendant  
16 was mentally ill at the time that he or she committed the criminal offense charged.

17           (d) The defendant states that he or she is willing to participate in appropriate  
18 mental health treatment that is recommended by a physician, psychologist or mental  
19 health worker who is responsible for his or her mental health care and treatment.

20           **(3)** If the court reviews a report under sub. (2) (a), the court shall make the  
21 report a part of the record of the case.

22           **\*b1309/2.7\* SECTION 3999t.** 971.165 (2g) of the statutes is created to read:

23           **971.165 (2g)** If a defendant charged with a crime under s. 940.01, 940.02,  
24 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, or 940.10 has entered a plea of not  
25 guilty by reason of mental disease or defect and the defendant's plea is tried to a jury,

1 the court shall, in addition to providing to the jury the information required under  
2 sub. (2), inform the jury of all of the following:

3 (a) That the jury may find the defendant guilty but mentally ill if all of the  
4 following apply:

5 1. The jury finds beyond a reasonable doubt that the defendant did not lack  
6 substantial capacity either to appreciate the wrongfulness of his or her conduct or  
7 to conform his or her conduct to the requirements of law as a result of mental disease  
8 or defect.

9 2. The jury finds to a reasonable certainty by the greater weight of the credible  
10 evidence that the defendant was mentally ill at the time that he or she committed  
11 the offense.

12 (b) That, if the jury finds the defendant guilty but mentally ill, the defendant  
13 will receive a criminal sentence or probation and may be required to receive  
14 treatment for his or her mental illness.

15 \*b1309/2.7\* SECTION 3999u. 971.165 (3) (am) of the statutes is created to read:

16 971.165 (3) (am) If a defendant charged with a crime under s. 940.01, 940.02,  
17 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, or 940.10 is found guilty but mentally  
18 ill, the court shall enter a judgment of conviction and shall either impose or withhold  
19 sentence under s. 973.017.”.

20 \*b1332/1.1\* 1805. Page 1258, line 7: after that line insert:

21 \*b1332/1.1\* “SECTION 4002m. 971.20 of the statutes is repealed.”.

22 \*b1519/2.300\* 1806. Page 1258, line 7: after that line insert:

23 \*b1519/2.300\* “SECTION 4002k. 971.19 (10) of the statutes is amended to read:

1           971.19 (10) In an action under s. 30.547 for intentionally falsifying an  
2 application for a certificate of number, a registration or a certificate of title, the  
3 defendant may be tried in the defendant's county of residence at the time that the  
4 complaint is filed, in the county where the defendant purchased the boat if purchased  
5 from a dealer or the county where the department of ~~natural resources~~ fish, wildlife,  
6 parks, and forestry received the application.”.

7           **\*b1309/2.8\* 1807.** Page 1261, line 2: after that line insert:

8           **\*b1309/2.8\*** “SECTION 4014g. 973.017 of the statutes is created to read:

9           **973.017 Sentence of person found guilty but mentally ill.** (1) If a  
10 defendant is found guilty but mentally ill under s. 971.163 or 971.165, the court, by  
11 order, may impose sentence under this chapter, withhold sentence, or impose  
12 sentence under s. 973.15 and stay its execution. Except as provided in s. 973.09 (1)  
13 (c) or if probation is prohibited for a particular offense by statute, the court may place  
14 the person on probation under s. 973.09 if the court withholds sentence or imposes  
15 sentence and stays its execution for an offense.

16           (2) If the court places a defendant who is found guilty but mentally ill on  
17 probation or sentences a defendant who is found guilty but mentally ill to the  
18 Wisconsin state prisons, the court shall do all of the following:

19           (a) Order the department, or a person designated by the department, to  
20 evaluate the defendant to determine the defendant's treatment needs.

21           (b) Order the department to provide or arrange for the provision of necessary  
22 and appropriate treatment for the defendant's mental illness.

23           (3) If a defendant who is found guilty but mentally ill is serving a sentence of  
24 imprisonment or is confined as a condition of probation, he or she may be transferred

1 or committed for treatment to the department of health and family services under  
2 s. 51.20 (1) (a), (ar) or (av) or 51.37 (5). Any time spent by the defendant in a state  
3 treatment facility due to a transfer or commitment under s. 51.20 (1) (a), (ar) or (av)  
4 or 51.37 (5) shall be included as part of the individual's sentence.

5 (4) If a defendant who is found guilty but mentally ill is sentenced to the  
6 Wisconsin state prisons, the clerk of court shall attach all of the following to the  
7 judgment of conviction that is delivered with the defendant under s. 302.06 to the  
8 reception center designated by the department:

9 (a) A copy of any report of an examination conducted under s. 971.16.

10 (b) A copy of any report other than a report specified in par. (a) that was  
11 admitted into evidence at a hearing under s. 971.163 (2) (b).

12 (c) A copy of any report other than a report specified in par. (a) that was  
13 admitted into evidence at a trial under s. 971.165.”

14 **\*b1311/1.2\* 1808.** Page 1261, line 2: after that line insert:

15 **\*b1311/1.2\*** “SECTION 4014r. 973.034 of the statutes is amended to read:

16 **973.034 Sentencing; restriction on child sex offender working with**  
17 **children.** Whenever a court imposes a sentence or places a defendant on probation  
18 regarding a conviction under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim is  
19 under 18 years of age at the time of the offense, or a conviction under s. 948.02 (1)  
20 or (2), 948.025 (1), 948.05 (1) or (1m), 948.06, or 948.07 (1), (2), (3), or (4), the court  
21 shall inform the defendant of the requirements and penalties under s. 948.13.”

22 **\*b1309/2.9\* 1809.** Page 1265, line 11: after that line insert:

23 **\*b1309/2.9\*** “SECTION 4018r. 973.08 (1) of the statutes is amended to read:



1           973.08 (1) When any defendant is sentenced to the state prisons, a copy of the  
2 judgment of conviction ~~and~~, a copy of any order for restitution under s. 973.20 and,  
3 if applicable, a copy of any report specified in s. 973.017 (4) shall be delivered by the  
4 officer executing the judgment to the warden or superintendent of the institution  
5 when the prisoner is delivered.”.

6           **\*b1309/2.10\* 1810.** Page 1266, line 23: delete the material beginning with  
7 that line and ending with page 1267, line 2, and substitute:

8           **\*b1309/2.10\* “SECTION 4024n.** 973.09 (2) (b) 1. of the statutes is amended to  
9 read:

10           973.09 (2) (b) 1. Except as provided in ~~subd.~~ subds. 1m. and 2., for felonies, not  
11 less than one year nor more than either the statutory maximum term of  
12 imprisonment for the crime or 3 years, whichever is greater.

13           **\*b1309/2.10\* SECTION 4025n.** 973.09 (2) (b) 1. of the statutes, as affected by  
14 2001 Wisconsin Act .... (this act), is amended to read:

15           973.09 (2) (b) 1. Except as provided in ~~subds.~~ subd. 1m. and subject to subd. 2.,  
16 the original term of probation for felonies, and bifurcated sentence misdemeanors  
17 shall be not less than one year nor more than either the statutory maximum term  
18 of imprisonment confinement in prison for the crime or 3 years, whichever is greater.

19           **\*b1309/2.10\* SECTION 4025p.** 973.09 (2) (b) 1m. of the statutes is created to  
20 read:

21           973.09 (2) (b) 1m. If the probationer was found guilty but mentally ill under  
22 s. 971.163 or 971.165, not less than 5 years.”.

23           **\*b1309/2.11\* 1811.** Page 1268, line 16: after that line insert:

24           **\*b1309/2.11\* “SECTION 4026u.** 973.09 (6) of the statutes is created to read:

1           973.09 (6) (a) If a defendant who is found guilty but mentally ill under s.  
2 971.163 or 971.165 is placed on probation, the court shall do all of the following:

3           1. Order the department, or a person designated by the department, to evaluate  
4 the defendant to determine the defendant's treatment needs.

5           2. Order that the department provide or arrange for the provision of necessary  
6 and appropriate treatment that is recommended as a result of the evaluation under  
7 subd. 1.

8           3. Order as a condition of probation that the defendant undergo the evaluation  
9 required under subd. 1. and that he or she receive the necessary and appropriate  
10 mental health treatment that is recommended as a result of that evaluation.

11           (b) Treatment required under par. (a) as a condition of probation may be  
12 provided by any state or local agency or, if approved by the department, by a private  
13 physician, psychologist, mental health worker or mental health agency.

14           (c) If a defendant is required to receive treatment under par. (a), the person  
15 treating the defendant shall, once every 90 days, file with the court and the  
16 department a written report concerning the defendant's condition and treatment.

17           (d) A defendant placed on probation after being found guilty but mentally ill  
18 under s. 971.163 or 971.165 may be committed for treatment to the department of  
19 health and family services under s. 51.20 (1) (a).”.

20           **\*b1541/2.7\* 1812.** Page 1271, line 6: after that line insert:

21           **\*b1541/2.7\*** “SECTION 4028g. 973.20 (1r) of the statutes is amended to read:

22           973.20 (1r) When imposing sentence or ordering probation for any crime, other  
23 than a crime involving conduct that constitutes domestic abuse under s. 813.12 (1)  
24 (a) or 968.075 (1) (a), for which the defendant was convicted, the court, in addition

1 to any other penalty authorized by law, shall order the defendant to make full or  
2 partial restitution under this section to any victim of a crime considered at  
3 sentencing or, if the victim is deceased, to his or her estate, unless the court finds  
4 substantial reason not to do so and states the reason on the record. When imposing  
5 sentence or ordering probation for a crime involving conduct that constitutes  
6 domestic abuse under s. 813.12 (1) (a) or 968.075 (1) (a) for which the defendant was  
7 convicted or that was considered at sentencing, the court, in addition to any other  
8 penalty authorized by law, shall order the defendant to make full or partial  
9 restitution under this section to any victim of a crime or, if the victim is deceased, to  
10 his or her estate, unless the court finds that imposing full or partial restitution will  
11 create an undue hardship on the defendant or victim and describes the undue  
12 hardship on the record. Restitution ordered under this section is a condition of  
13 probation, extended supervision or parole served by the defendant for a crime for  
14 which the defendant was convicted. After the termination of probation, extended  
15 supervision or parole, or if the defendant is not placed on probation, extended  
16 supervision or parole, restitution ordered under this section is enforceable in the  
17 same manner as a judgment in a civil action by the victim named in the order to  
18 receive restitution or enforced under ch. 785.”.

19 \*b1312/2.20\* **1813.** Page 1271, line 13: after that line insert:

20 \*b1312/2.20\* “SECTION 4031j. 978.03 (3) of the statutes is amended to read:

21 978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be  
22 an attorney admitted to practice law in this state and, except as provided in s. ss.  
23 978.043 and 978.044, may perform any duty required by law to be performed by the  
24 district attorney. The district attorney of the prosecutorial unit under sub. (1), (1m),

1 or (2) may appoint such temporary counsel as may be authorized by the department  
2 of administration.

3 **\*b1312/2.20\* SECTION 4031p.** 978.044 of the statutes is created to read:

4 **978.044 Assistants to perform restorative justice services. (1)**

5 DEFINITIONS. In this section:

6 (a) “Crime” has the meaning given in s. 950.02 (1m).

7 (b) “Offender” means an individual who is, or could be, charged with  
8 committing a crime or who is, or could be, the subject of a petition under ch. 938  
9 alleging that he or she has committed a crime.

10 (c) “Victim” has the meaning given in s. 950.02 (4).

11 (2) DUTIES. The district attorneys of Dane and Milwaukee counties and of the  
12 county selected under sub. (4) shall each assign one assistant district attorney in his  
13 or her prosecutorial unit to be a restorative justice coordinator. An assistant district  
14 attorney assigned under this subsection to be a restorative justice coordinator shall  
15 do all the following:

16 (a) Establish restorative justice programs that provide support to the victim,  
17 help reintegrate the victim into community life, and provide a forum where an  
18 offender may meet with the victim or engage in other activities to do all of the  
19 following:

- 20 1. Discuss the impact of the offender’s crime on the victim or on the community.
- 21 2. Explore potential restorative responses by the offender.
- 22 3. Provide methods for reintegrating the offender into community life.

23 (b) Provide assistance to the district attorney in other counties relating to the  
24 establishment of restorative justice programs, as described in par. (a).

25 (c) Maintain a record of all of the following:

1           1. The amount of time spent implementing the requirements of pars. (a) and  
2 (b).

3           2. The number of victims and offenders served by programs established under  
4 par. (a).

5           3. The types of offenses addressed by programs established under par. (a).

6           4. The rate of recidivism among offenders served by programs established  
7 under par. (a) compared to the rate of recidivism by offenders not served by such  
8 programs.

9           **(3) REPORT TO DEPARTMENT OF ADMINISTRATION.** Annually, on a date specified by  
10 the department of administration, the district attorneys of Dane and Milwaukee  
11 counties and of the county selected under sub. (4) shall each submit to the  
12 department of administration a report summarizing the records under sub. (2) (c)  
13 covering the preceding 12-month period. The department of administration shall  
14 maintain the information submitted under this subsection by the district attorney.

15           **(4) SELECTION OF 3RD COUNTY.** The attorney general, in consultation with the  
16 department of corrections, shall select a county other than Dane or Milwaukee  
17 county in which restorative justice services are to be provided under sub. (2).

18           **(5) EXPIRATION.** This section does not apply after June 30, 2005.

19           **\*b1312/2.20\* SECTION 4031r.** 978.05 (8) (b) of the statutes is amended to read:

20           978.05 (8) (b) Hire, employ, and supervise his or her staff and, subject to ~~s. ss.~~  
21 978.043 and 978.044, make appropriate assignments of the staff throughout the  
22 prosecutorial unit. The district attorney may request the assistance of district  
23 attorneys, deputy district attorneys, or assistant district attorneys from other  
24 prosecutorial units or assistant attorneys general who then may appear and assist  
25 in the investigation and prosecution of any matter for which a district attorney is

1 responsible under this chapter in like manner as assistants in the prosecutorial unit  
2 and with the same authority as the district attorney in the unit in which the action  
3 is brought. Nothing in this paragraph limits the authority of counties to regulate the  
4 hiring, employment, and supervision of county employees.”.

5 **\*b1544/2.8\* 1814.** Page 1280, line 9: after that line insert:

6 **\*b1544/2.8\*** “SECTION 4034yd. 980.065 (1r) of the statutes is created to read:

7 980.065 (1r) Notwithstanding sub. (1m), the department may place a female  
8 person committed under s. 980.06 at Mendota Mental Health Institute, Winnebago  
9 Mental Health Institute, or a privately operated residential facility under contract  
10 with the department of health and family services.

11 **\*b1544/2.8\*** SECTION 4034ye. 980.067 of the statutes is created to read:

12 **980.067 Activities off grounds.** (1) The superintendent of the facility at  
13 which a person is placed under s. 980.065 may allow the person to leave the grounds  
14 of the facility under escort. The department of health and family services shall  
15 promulgate rules for the administration of this section.

16 (2) A person remains placed in institutional care under s. 980.065 for purposes  
17 of s. 946.42 (3) (h) while on a leave granted under this section.”.

18 **\*b1409/1.4\* 1815.** Page 1281, line 6: after that line insert:

19 **\*b1409/1.4\*** “SECTION 4034zb. 1995 Wisconsin Act 292, section 5 is repealed.

20 **\*b1409/1.4\*** SECTION 4034zc. 1995 Wisconsin Act 292, section 12 is repealed.

21 **\*b1409/1.4\*** SECTION 4034zd. 1995 Wisconsin Act 292, section 14 is repealed.

22 **\*b1409/1.4\*** SECTION 4034ze. 1995 Wisconsin Act 292, section 16 is repealed.

23 **\*b1409/1.4\*** SECTION 4034zf. 1995 Wisconsin Act 292, section 20 is repealed.

24 **\*b1409/1.4\*** SECTION 4034zg. 1995 Wisconsin Act 292, section 22 is repealed.

1           **\*b1409/1.4\* SECTION 4034zh.** 1995 Wisconsin Act 292, section 24 is repealed.

2           **\*b1409/1.4\* SECTION 4034zi.** 1995 Wisconsin Act 292, section 28 is repealed.

3           **\*b1409/1.4\* SECTION 4034zj.** 1995 Wisconsin Act 292, section 30 is repealed.

4           **\*b1409/1.4\* SECTION 4034zk.** 1995 Wisconsin Act 292, section 30h is repealed.

5           **\*b1409/1.4\* SECTION 4034zL.** 1995 Wisconsin Act 292, section 32 is repealed.

6           **\*b1409/1.4\* SECTION 4034zm.** 1995 Wisconsin Act 292, section 37 (1) is  
7 repealed.”.

8           **\*b1519/2.301\* 1816.** Page 1282, line 14: delete “23.32 (2) (d)” and substitute  
9 “23.32 (2) (d)”.

10           **\*b1409/1.5\* 1817.** Page 1282, line 16: after that line insert:

11           **\*b1409/1.5\* SECTION 4041d.** 1997 Wisconsin Act 35, section 141 is repealed.

12           **\*b1409/1.5\* SECTION 4041e.** 1997 Wisconsin Act 35, section 144 is repealed.

13           **\*b1409/1.5\* SECTION 4041f.** 1997 Wisconsin Act 35, section 147 is repealed.

14           **\*b1409/1.5\* SECTION 4041g.** 1997 Wisconsin Act 35, section 605 (1) is  
15 repealed.”.

16           **\*b1545/2.4\* 1818.** Page 1282, line 16: after that line insert:

17           **\*b1545/2.4\* SECTION 4041k.** 1997 Wisconsin Act 154, section 3 (2) is amended  
18 to read:

19           [1997 Wisconsin Act 154] Section 3 (2) JOINT COMMITTEE ON FINANCE REVIEW. The  
20 department of health and family services shall submit the report under subsection  
21 (1) to the joint committee on finance of the legislature for its review under section  
22 13.10 of the statutes. ~~The department of health and family services may not submit~~  
23 ~~the rules under section 146.56 (2) of the statutes, as created by this act, to the~~

1 legislative council staff for review under section 227.15 of the statutes until the joint  
2 committee on finance approves the report under subsection (1).”

3 \*b1457/1.4\* **1819.** Page 1283, line 12: after that line insert:

4 \*b1457/1.4\* “SECTION 4046k. 1999 Wisconsin Act 9, section 9126 (4g) is  
5 repealed.”

6 \*b1574/1.1\* **1820.** Page 1283, line 13: after that line insert:

7 \*b1574/1.1\* “SECTION 4046s. 1999 Wisconsin Act 9, section 9158 (8w) (e) is  
8 amended to read:

9 [1999 Wisconsin Act 9] Section 9158 (8w) (e) Notwithstanding the procedures  
10 for dissolution of a regional planning commission that are specified under section  
11 66.945 (15) of the statutes, the Dane County regional planning commission shall be  
12 dissolved on ~~October 1, 2002~~ the first day of the 3rd month beginning after  
13 publication of the 2001–03 biennial budget act. All unexpended funds of the  
14 commission on that date shall be applied to any outstanding indebtedness of the  
15 commission. If any outstanding indebtedness of the commission remains after the  
16 application of the unexpended funds to such debts, the remaining indebtedness shall  
17 be assessed to Dane County. If the commission has no outstanding indebtedness and  
18 has unexpended funds, such funds shall be returned to the cities, villages, towns or  
19 county that supplied them.”

20 \*b1569/1.9\* **1821.** Page 1288, line 11: after that line insert:

21 \*b1569/1.9\* “(5) USE OF ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES BY  
22 GOVERNMENTAL UNITS. Using the procedure under section 227.24 of the statutes, the  
23 department of administration may promulgate emergency rules under section  
24 137.25 (2) of the statutes, as created by this act, for the period before the effective date



1 of permanent rules initially promulgated under section 137.25 (2) of the statutes, as  
2 created by this act, but not to exceed the period authorized under section 227.24 (1)  
3 (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of  
4 the statutes, the department is not required to provide evidence that promulgating  
5 a rule under this subsection as an emergency rule is necessary for the preservation  
6 of the public peace, health, safety, or welfare and is not required to provide a finding  
7 of emergency for a rule promulgated under this subsection.

8 **\*b1569/1.9\*** (6) USE OF ELECTRONIC SIGNATURES BY NOTARIES PUBLIC. The  
9 secretary of state and department of administration shall promulgate initial rules  
10 under section 137.25 (2) (b) of the statutes, as created by this act, to become effective  
11 no later than January 1, 2004.”.

12 **\*b1828/1.5\* 1822.** Page 1288, line 11: after that line insert:

13 **\*b1828/1.5\*** “(4f) ENERGY GRANTS.

14 (a) In the 2001–02 fiscal year, the department of administration shall award  
15 grants to eligible school districts to help defray high energy costs. To be eligible for  
16 a grant, a school board shall adopt a resolution requesting a grant and submit the  
17 resolution to the department together with any other information the department  
18 requires. The amount of a grant shall be determined as follows:

19 1. Divide the amount appropriated under section 20.505 (3) (t) of the statutes,  
20 as created by this act, in the 2001–02 fiscal year by the total membership of all  
21 eligible school districts in the 2000–01 school year.

22 2. Multiply the quotient under subdivision 1. by the school district’s  
23 membership in the 2000–01 school year.

1 (b) The department of administration shall award grants under this subsection  
2 by December 1, 2001, or by the first day of the 3rd month beginning after the effective  
3 date of this subsection, whichever is later. A school district may use the funds for any  
4 purpose other than the salary or benefits of any school district employee.”.

5 \*b1506/2.8\* **1823.** Page 1289, line 18: delete lines 18 to 22.

6 \*b1506/2.9\* **1824.** Page 1290, line 22: delete lines 22 to 25.

7 \*b1506/2.10\* **1825.** Page 1291, line 2: delete “\$566,200” and substitute  
8 “\$499,100”.

9 \*b1506/2.11\* **1826.** Page 1291, line 7: delete the material beginning with  
10 that line and ending with page 1292, line 5.

11 \*b1506/2.12\* **1827.** Page 1292, line 18: delete the material beginning with  
12 that line and ending with page 1293, line 4.

13 \*b1506/2.13\* **1828.** Page 1293, line 15: delete the material beginning with  
14 that line and ending with page 1294, line 2.

15 \*b1312/2.21\* **1829.** Page 1295, line 7: delete “\$1,864,700” and substitute  
16 “\$1,364,800”.

17 \*b1368/3.4\* **1830.** Page 1295, line 7: delete “\$1,864,700” and substitute  
18 “\$1,774,700”.

19 \*b1865/2.2\* **1831.** Page 1298, line 8: after that line insert:

20 \*b1865/2.2\* “(19r) PURCHASING CARD REBATES.

21 (a) In this subsection:

22 1. “Secretary” means the secretary of administration.

23 2. “State agency” has the meaning given in section 20.001 (1) of the statutes.

1 (b) The secretary shall determine the amount of rebates that were received by  
2 the state from purchasing card issuers for purchases made by state agencies with  
3 purchasing cards and that were credited, before the effective date of this paragraph,  
4 to the appropriation account under section 20.505 (1) (ka) of the statutes. In making  
5 this determination, the secretary shall also identify the appropriation accounts from  
6 which the purchases were made and on which the rebates were based.

7 (c) During fiscal year 2001–02, from the appropriation account under section  
8 20.505 (1) (ka) of the statutes, the secretary shall lapse that part of the amount  
9 determined under paragraph (b) to the general fund that is based on purchases made  
10 from appropriations from the general fund and shall transfer that part of the amount  
11 determined under paragraph (b) to the appropriate segregated fund that is based on  
12 purchases made from appropriations from that segregated fund.”.

13 \*b1594/3.2\* **1832.** Page 1298, line 13: after “2001,” insert “3 aircraft  
14 assigned for use by the department of transportation division of state patrol and  
15 bureau of aeronautics,”.

16 \*b1601/1.7\* **1833.** Page 1298, line 16: after that line insert:

17 \*b1601/1.7\* “(20x) LEASE OF ELECTRONIC VOTING EQUIPMENT. The department of  
18 administration shall enter into a master lease under section 16.76 (4) of the statutes  
19 on behalf of the elections board to obtain sufficient electronic voting system  
20 equipment suitable for use with an electronic voting system in municipalities that  
21 employed a punch card electronic voting system at the 2001 spring election and that  
22 are required under this act to eliminate that system in future elections.”.

1           **\*b1546/3.14\* 1834.** Page 1298, line 22: after “act” insert “and to reflect a  
2 decrease of \$14,409,600 in the total amount allocated for capital equipment  
3 acquisition under that program”.

4           **\*b1301/1.4\* 1835.** Page 1298, line 24: after that line insert:

5           **\*b1301/1.4\*** “(21k) GRANTS FOR COOPERATIVE COUNTY-TRIBAL LAW ENFORCEMENT.

6           (a) From the appropriation account under section 20.505 (6) (kr) of the statutes,  
7 to the office of justice assistance, the department of administration shall allocate the  
8 following amounts to the following counties in each of fiscal years 2001–02 and  
9 2002–03 to support law enforcement agreements with the following Indian  
10 reservations:

11           1. To Vilas County, \$210,550 to support a law enforcement agreement with the  
12 Lac du Flambeau band of Lake Superior Chippewa.

13           2. To Oneida County, \$50,000 to support a law enforcement agreement with the  
14 Lac du Flambeau band of Lake Superior Chippewa.

15           3. To Forest County, \$100,000 to support a law enforcement agreement with the  
16 Forest County Potawatomi.

17           (b) Each county that receives money under paragraph (a) shall report to the  
18 office of justice assistance on how that money is expended.”.

19           **\*b1308/2.1\* 1836.** Page 1298, line 24: after that line insert:

20           **\*b1308/2.1\*** “(21x) DISTRICT ATTORNEY POSITIONS. Notwithstanding sections  
21 978.03 and 978.04 of the statutes, the department of administration shall adjust the  
22 allocation of authorized FTE assistant district attorney positions funded from the  
23 appropriation account under section 20.475 (1) (g) of the statutes, as created by this

1 act, by reducing the allocation for Rock County by 0.25 PR position and by increasing  
2 the allocation for Ashland County by 0.25 PR position.”.

3 \*b1312/2.22\* **1837.** Page 1298, line 24: after that line insert:

4 \*b1312/2.22\* “(27m) ASSISTANT DISTRICT ATTORNEYS FOR RESTORATIVE JUSTICE  
5 SERVICES. The authorized FTE positions for the department of administration are  
6 increased by 3.0 PR project positions for the period beginning on July 1, 2001, and  
7 ending on June 30, 2005, to be funded from the appropriation under section 20.475  
8 (1) (k) of the statutes, for the purpose of providing one assistant district attorney for  
9 Dane County, one assistant district attorney for Milwaukee County, and one  
10 assistant district attorney for the county selected under section 978.044 (4) of the  
11 statutes, as created by this act, to perform restorative justice services under section  
12 978.044 of the statutes, as created by this act.

13 \*b1312/2.22\* (27n) OFFICE OF FAITH-BASED CRIME PREVENTION INITIATIVES. The  
14 authorized FTE positions for the department of administration are increased by 1.0  
15 PR project position to be funded from the appropriation under section 20.505 (4) (kf)  
16 of the statutes, as created by this act, for the purpose of administering the office of  
17 faith-based crime prevention initiatives under section 15.105 (28) of the statutes, as  
18 created by this act, beginning on the effective date of this subsection and ending on  
19 June 30, 2005.

20 \*b1312/2.22\* (27p) FUNDING FOR OFFICE OF FAITH-BASED CRIME PREVENTION  
21 INITIATIVES. The secretary of administration shall allocate \$67,600 in fiscal year  
22 2001–02 and \$77,400 in fiscal year 2002–03 from the appropriation accounts under  
23 section 20.505 (6) (kt) and (m) of the statutes, to provide funding for the office of  
24 faith-based crime prevention initiatives.”.

1           **\*b1368/3.5\* 1838.** Page 1298, line 24: after that line insert:

2           **\*b1368/3.5\*** “(22w) CRIME PREVENTION RESOURCE CENTER. From federal and  
3 program revenue moneys appropriated to the department of administration for the  
4 office of justice assistance under section 20.505 (6) (kp) and (p) of the statutes, the  
5 department shall allocate \$55,000 in fiscal year 2001–02 and \$35,000 in fiscal year  
6 2002–03 to provide funding for a crime prevention resource center established under  
7 section 38.37 of the statutes, as created by this act.”.

8           **\*b1546/3.15\* 1839.** Page 1298, line 24: after that line insert:

9           **\*b1546/3.15\*** “(21v) CAPITAL EQUIPMENT ACQUISITION. Notwithstanding section  
10 16.76 (4) of the statutes, the department of administration shall utilize master leases  
11 under section 16.76 (4) of the statutes to acquire capital equipment for use under the  
12 2001–03 authorized state building program in a total value at least equal to  
13 \$14,409,600.”.

14           **\*b1723/1.1\* 1840.** Page 1298, line 24: after that line insert:

15           **\*b1723/1.1\*** “(22k) LAPSES FROM CERTAIN APPROPRIATIONS FROM WHICH  
16 MEMBERSHIP DUES IN STATE AND NATIONAL ORGANIZATIONS ARE PAID.

17           (a) In this subsection:

- 18           1. “Secretary” means the secretary of administration.  
19           2. “State agency” has the meaning given in section 20.001 (1) of the statutes.

20           **\*b1723/1.1\*** (b) The secretary shall determine for each state agency the  
21 amount expended by the state agency for membership dues for any state or national  
22 organization in the 2000–01 fiscal year that was funded from each revenue source  
23 except federal revenue.

1           **\*b1723/1.1\*** (c) The secretary shall, during the 2001–02 fiscal year, lapse to the  
2 general fund or appropriate segregated fund from each sum certain appropriation  
3 account made to each state agency from any revenue source except program revenue,  
4 segregated revenue derived from specific program receipts, or federal revenue, or  
5 shall reestimate to subtract from the expenditure estimate for each appropriation  
6 other than a sum certain appropriation made to each state agency from any revenue  
7 source except federal revenue, an amount equivalent to 20% of the total amount  
8 expended by that state agency for membership dues for any state or national  
9 organization from that appropriation in the 2000–01 fiscal year, if any. The secretary  
10 shall, during the 2002–03 fiscal year, lapse to the general fund or appropriate  
11 segregated fund from each such account or shall reestimate to subtract from each  
12 such estimate an equivalent amount.

13           **\*b1723/1.1\*** (d) Each sum certain appropriation to each state agency for the  
14 2001–02 fiscal year and the 2002–03 fiscal year from program revenue or segregated  
15 revenue derived from specific program receipts is decreased by an amount  
16 equivalent to 20% of the total amount expended by that agency for membership dues  
17 for any state or national organization from that appropriation in the 2000–01 fiscal  
18 year, as determined by the secretary.”.

19           **\*b1752/1.1\* 1841.** Page 1298, line 24: after that line insert:

20           **\*b1752/1.1\*** “(21j) STUDY ON POST-SECONDARY EDUCATION COMMISSION. The  
21 department of administration shall study the feasibility of creating a post–secondary  
22 education commission to provide a comprehensive and coordinated framework for all  
23 post–secondary education and training. The department shall report the results of

1 the study, together with its findings and recommendations, to the legislature in the  
2 manner provided in section 13.172 (2) of the statutes no later than January 1, 2003.”.

3 **\*b1803/2.1\* 1842.** Page 1298, line 24: after that line insert:

4 **\*b1803/2.1\*** “(25k) TRANSFER TO TAX RELIEF FUND; REQUIRED GENERAL FUND  
5 STATUTORY BALANCE FOR FISCAL YEAR 2002–03.

6 (a) Notwithstanding section 16.518 (4) of the statutes, as created by this act,  
7 for the 2001–02 fiscal year, if the amount of moneys projected to be deposited in the  
8 general fund during the fiscal year that are designated as “Taxes” in the summary  
9 in section 20.005 (1) of the statutes, as affected by this act, is less than the amount  
10 of such moneys actually deposited in the general fund during the fiscal year, the  
11 secretary of administration shall calculate the difference between the amount  
12 calculated under section 16.518 (2) of the statutes, as created by this act, for that  
13 fiscal year, and the amount transferred to the budget stabilization fund under section  
14 16.518 (3) of the statutes, as created by this act, for that fiscal year. If the difference  
15 between the amounts is at least \$84,000,000, the secretary shall transfer from the  
16 general fund to the tax relief fund during the 2001–02 fiscal year the amount that  
17 exceeds \$84,000,000.

18 (b) Notwithstanding the required general fund statutory balance for fiscal year  
19 2002–03 under section 20.003 (4) (d) of the statutes, as affected by this act, the  
20 required general fund statutory balance for that year is increased by the difference  
21 in the amounts calculated under paragraph (a) for that year and that are less than  
22 \$84,000,000.”.

23 **\*b1804/1.1\* 1843.** Page 1298, line 24: after that line insert:



1           **\*b1804/1.1\*** “(23q) APPROPRIATION ACCOUNT LAPSES AND FUND TRANSFERS  
2 RESULTING FROM WISCONSIN RETIREMENT SYSTEM CONTRIBUTIONS SAVINGS.

3           (a) In this subsection:

4           1. “Program revenues” has the meaning given in section 20.001 (2) (b) of the  
5 statutes.

6           2. “Program revenues–service” has the meaning given in section 20.001 (2) (c)  
7 of the statutes.

8           3. “Secretary” means the secretary of administration.

9           4. “Segregated fund revenues” has the meaning given in section 20.001 (2) (d)  
10 of the statutes.

11           5. “Segregated fund revenues–service” has the meaning given in section 20.001  
12 (2) (da) of the statutes.

13           6. “State agency” has the meaning given in section 20.001 (1) of the statutes,  
14 but does not include the state investment board and the departments of employee  
15 trust funds and transportation.

16           (b) The secretary shall determine for each state agency the amount credited by  
17 the department of employee trust funds to the state agency’s appropriations from  
18 program revenues, program revenues–service, segregated fund revenues, and  
19 segregated fund revenues–service during the 2000–01 and 2001–02 fiscal years to  
20 implement 1999 Wisconsin Act 11, section 27 (1) (b) 1., for the payment of  
21 contributions under the Wisconsin retirement system. In making this calculation,  
22 the secretary shall determine the amounts credited by the department of employee  
23 trust funds for the payment of contributions under the Wisconsin retirement system  
24 for the 2000–01 fiscal year and for the 2001–02 fiscal year.

1 (c) During the 2001–02 fiscal year, the secretary shall lapse from each state  
2 agency’s appropriations from program revenues and program revenues–service to  
3 the general fund the amounts calculated by the secretary under paragraph (b) for  
4 those appropriations.

5 (d) During the 2001–02 fiscal year, the secretary shall lapse from each state  
6 agency’s appropriations from segregated fund revenues and segregated fund  
7 revenues–service to the appropriate segregated fund the amount calculated by the  
8 secretary under paragraph (b) for those appropriations that was credited by the  
9 department of employee trust funds for the 2001–02 fiscal year. After making this  
10 lapse, the secretary shall transfer from the appropriate segregated funds to the  
11 general fund an amount equal to the amounts credited by the department of  
12 employee trust funds to each state agency’s appropriations from segregated fund  
13 revenues and segregated fund revenues–service for the 2000–01 fiscal year and for  
14 the 2001–02 fiscal year, as determined by the secretary under paragraph (b).”.

15 \*b1837/2.1\* **1844.** Page 1298, line 24: after that line insert:

16 \*b1837/2.1\* “(26n) VACANT POSITIONS IN THE EXECUTIVE BRANCH OF STATE  
17 GOVERNMENT.

18 (a) In this subsection:

- 19 1. “Secretary” means the secretary of administration.  
20 2. “State agency” means any office, department, or independent agency in the  
21 executive branch of government, other than the board of regents of the University  
22 of Wisconsin System.

23 (b) 1. No later than 30 days after the effective date of this paragraph, the  
24 secretary shall determine for each state agency the number of FTE positions that as

1 of July 1, 2001, have been vacant since January 1, 2001, other than any position  
2 authorized to perform duties in a state institution or facility that has not been  
3 completed or has not begun operations as of July 1, 2001. The secretary shall also  
4 determine the annual salary and fringe benefits costs for such positions and shall  
5 identify the appropriations from which these costs are paid during the 2001–03 fiscal  
6 biennium.

7 2. The secretary shall notify each state agency affected by his or her  
8 determinations under subdivision 1. Any state agency so notified may request that  
9 the secretary reallocate the lapse, or any part thereof, to a different appropriation  
10 for state operations. Any state agency so notified may also request that the secretary  
11 not include any of the state agency's vacant FTE positions in subdivision 1. If the  
12 agency reallocates the lapse, or any part thereof, to a different appropriation for state  
13 operations or reallocates the lapse to a different category of expenditure in the  
14 appropriation identified by the secretary in subdivision 1. If the secretary agrees to  
15 any state agency's request, the secretary shall modify his or her determinations  
16 under subdivision 1.

17 (c) 1. During the 2001–02 fiscal year, the secretary shall lapse to the general  
18 fund or appropriate segregated fund from each sum certain appropriation account  
19 made to each state agency from any revenue source except program revenue, federal  
20 revenue, or segregated revenue derived from specific program receipts, or shall  
21 reestimate to subtract from the expenditure estimate for each appropriation other  
22 than a sum certain appropriation made to each state agency from any revenue  
23 source, an amount equivalent to the amount expended by that state agency for  
24 annual salary and fringe benefit costs for the vacant positions identified by the  
25 secretary under paragraph (b) from that appropriation in the 2000–01 fiscal year.

1 During the 2002–03 fiscal year, the secretary shall lapse to the general fund or  
2 appropriate segregated fund from each such account or shall reestimate to subtract  
3 from each such estimate an equivalent amount.

4 2. Each sum certain appropriation to each state agency for the 2001–02 fiscal  
5 year and the 2002–03 fiscal year from program revenue, federal revenue, or  
6 segregated revenue derived from specific program receipts is decreased by an  
7 amount equal to the amount expended by that state agency for the payment of  
8 annual salary and fringe benefit costs for the vacant positions identified by the  
9 secretary under paragraph (b) from that appropriation in the 2000–01 and 2002–03  
10 fiscal years.

11 (d) The authorized FTE positions for each state agency are decreased by the  
12 number of FTE positions identified by the secretary under paragraph (b) from the  
13 appropriate funding source.

14 (e) The secretary shall notify the joint committee on finance of all actions taken  
15 under paragraphs (c) and (d).”.

16 \*b1461/3.20\* **1845.** Page 1299, line 6: after that line insert:

17 \*b1461/3.20\*“(1) AGRICULTURAL PRODUCER SECURITY COUNCIL. Notwithstanding  
18 the length of terms specified for the members of the agricultural producer security  
19 council under section 15.137 (1) (a) of the statutes, as created by this act, the initial  
20 members shall be appointed for terms expiring on July 1, 2005.

21 \*b1461/3.20\* (1v) QUALIFIED PRODUCER AGENT RULES. Using the procedure  
22 under section 227.24 of the statutes, the department of agriculture, trade and  
23 consumer protection may promulgate the rule required under section 126.51 of the  
24 statutes, as created by this act, for the period before the effective date of the

1 permanent rule, but not to exceed the period authorized under section 227.24 (1) (c)  
2 and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the  
3 statutes, the department is not required to provide evidence that promulgating a rule  
4 under this subsection as an emergency rule is necessary for the preservation of the  
5 public peace, health, safety, or welfare and is not required to provide a finding of  
6 emergency for a rule promulgated under this subsection.

7 **\*b1461/3.20\*** (2) AGRICULTURAL PRODUCER SECURITY TRANSITION.

8 (a) *Vegetable contractors*. Notwithstanding SECTION 9404 (1) of this act, chapter  
9 126 of the statutes, as created by this act, does not apply with respect to vegetable  
10 contractors until February 1, 2002, except as follows:

11 1. All registration fees and surcharges paid under section 100.03 (3), 1999  
12 stats., after December 31, 2001, shall be deposited in the agricultural producer  
13 security fund.

14 2. A vegetable contractor applying for a license for the license year that begins  
15 on February 1, 2002, shall submit an application that complies with section 126.56  
16 of the statutes, as created by this act.

17 (b) *Milk contractors*. Notwithstanding SECTION 9404 (1) of this act, chapter 126  
18 of the statutes, as created by this act, does not apply with respect to milk contractors  
19 until May 1, 2002, except as follows:

20 1. All milk producer security fees paid under section 100.06 (9), 1999 stats.,  
21 after December 31, 2001, shall be deposited in the agricultural producer security  
22 fund.

23 2. A milk contractor applying for a license for the license year that begins on  
24 May 1, 2002, shall submit an application that complies with section 126.41 of the  
25 statutes, as created by this act.

1           (c) *Grain dealers and warehouse keepers.* Notwithstanding SECTION 9404 (1)  
2 of this act, chapter 126 of the statutes, as created by this act, does not apply with  
3 respect to grain dealers and grain warehouse keepers until September 1, 2002,  
4 except as follows:

5           1. All license fees and surcharges paid under chapter 127, 1999 stats., after  
6 December 31, 2001, shall be deposited in the agricultural producer security fund.

7           2. A grain dealer applying for a license for the license year that begins on  
8 September 1, 2002, shall submit an application that complies with section 126.11 of  
9 the statutes, as created by this act.

10          3. A grain warehouse keeper applying for a license for the license year that  
11 begins on September 1, 2002, shall submit an application that complies with section  
12 126.26 of the statutes, as created by this act.”.

13           **\*b1468/2.2\* 1846.** Page 1299, line 7: delete lines 7 to 25.

14           **\*b1464/2.6\* 1847.** Page 1300, line 1: delete lines 1 to 7.

15           **\*b1479/1.2\* 1848.** Page 1300, line 7: after that line insert:

16           **\*b1479/1.2\*** “(2z) RULES ON DEDUCTING CARPET CLEANING COSTS. The department  
17 of agriculture, trade and consumer protection shall submit in proposed form the rule  
18 required under section 704.07 (5) (b) of the statutes, as created by this act, to the  
19 legislative council staff under section 227.15 (1) of the statutes no later than the first  
20 day of the 7th month beginning after the effective date of this subsection.”.

21           **\*b1461/3.21\* 1849.** Page 1300, line 12: after that line insert:

22           **\*b1461/3.21\*** “(4z) AGRICULTURAL PRODUCER SECURITY POSITIONS.

23           (a) The authorized FTE positions for the department of agriculture, trade and  
24 consumer protection are increased on January 1, 2002, by 12.12 SEG positions, to be

1 funded from the appropriation under section 20.115 (1) (q) of the statutes, as created  
2 by this act, for agricultural producer security.

3 (b) The authorized FTE positions for the department of agriculture, trade and  
4 consumer protection are increased on January 1, 2002, by 0.5 PR position, to be  
5 funded from the appropriation under section 20.115 (1) (h) of the statutes, for  
6 agricultural producer security.”

7 \*b1684/1.7\* **1850.** Page 1300, line 21: after that line insert:

8 \*b1684/1.7\* “(1k) MINNESOTA–WISCONSIN BOUNDARY AREA COMMISSION AND  
9 COMPACT WITHDRAWAL. The state of Wisconsin withdraws from the  
10 Minnesota–Wisconsin boundary area commission and from the compact creating the  
11 commission under chapter 274, laws of 1965. The governor of Wisconsin shall inform  
12 the governor of Minnesota of this withdrawal no later than 10 days after the effective  
13 date of this subsection.”

14 \*b1546/3.16\* **1851.** Page 1301, line 12: delete “\$8,100,000” and substitute  
15 “\$5,100,000”, and adjust the appropriate totals accordingly.

16 \*b1546/3.17\* **1852.** Page 1302, line 12: delete that line, and adjust the  
17 appropriate totals accordingly.

18 \*b1546/3.18\* **1853.** Page 1306, line 8: after that line insert (and adjust the  
19 appropriate totals accordingly):

20 “Agricultural buildings 9,000,000”.

21 \*b1546/3.19\* **1854.** Page 1306, line 11: delete lines 11 and 12 and substitute  
22 (and adjust the appropriate totals accordingly):





1           **\*b1546/3.23\* 1860.** Page 1310, line 5: delete “16,790,000” and substitute  
2 “16,290,000”, and adjust the appropriate totals accordingly.

3           **\*b1546/3.24\* 1861.** Page 1310, line 7: delete lines 7 to 9, and adjust the  
4 appropriate totals accordingly.

5           **\*b1546/3.25\* 1862.** Page 1310, line 18: delete “10,000,000” and substitute  
6 “8,000,000”, and adjust the appropriate totals accordingly.

7           **\*b1546/3.26\* 1863.** Page 1310, line 19: delete “9,858,000” and substitute  
8 “9,000,000”, and adjust the appropriate totals accordingly.

9           **\*b1546/3.27\* 1864.** Page 1310, line 21: delete “6,500,000” and substitute  
10 “23,000,000”, and adjust the appropriate totals accordingly.

11           **\*b1546/3.28\* 1865.** Page 1310, line 22: delete “\$16,500,000” and substitute  
12 “\$33,000,000”.

13           **\*b1419/1.4\* 1866.** Page 1311, line 8: after that line insert (and adjust the  
14 appropriate totals accordingly):

15                     “Veterinary diagnostic laboratory — Madison   3,600,000

16                     (Total project all funding sources \$23,600,000)”.

17           **\*b1546/3.29\* 1867.** Page 1311, line 11: delete “\$26,120,000” and substitute  
18 “\$21,660,200”.

19           **\*b1546/3.30\* 1868.** Page 1311, line 15: delete lines 15 to 17, and adjust the  
20 appropriate totals accordingly.

21           **\*b1591/2.2\* 1869.** Page 1311, line 21: delete lines 21 and 22, and adjust the  
22 appropriate totals accordingly.

1           **\*b1546/3.31\* 1870.** Page 1312, line 8: after that line insert (and adjust the  
2 appropriate totals accordingly):

3           “Fine Arts Center addition and remodeling — Stevens Point

4           250,000

5           (Total project all funding sources \$21,660,200)

6           Klotsche Center physical education addition — Milwaukee

7           500,000

8           (Total project all funding sources \$42,117,000”).

9           **\*b1546/3.32\* 1871.** Page 1312, line 16: delete “\$16,500,000” and substitute  
10 “\$33,000,000”.

11           **\*b1591/2.3\* 1872.** Page 1312, line 17: delete lines 17 and 18, and adjust the  
12 appropriate totals accordingly.

13           **\*b1546/3.33\* 1873.** Page 1315, line 9: delete “\$44,838,500” and substitute  
14 “\$50,691,600”, and adjust the appropriate totals accordingly.

15           **\*b1546/3.34\* 1874.** Page 1315, line 10: delete “\$111,332,500” and substitute  
16 “\$117,185,600”.

17           **\*b1546/3.35\* 1875.** Page 1315, line 11: delete “21,338,000” and substitute  
18 “24,122,900”, and adjust the appropriate totals accordingly.

19           **\*b1546/3.36\* 1876.** Page 1315, line 12: delete “\$35,966,000” and substitute  
20 “\$38,250,900”.

21           **\*b1546/3.37\* 1877.** Page 1315, line 13: delete “11,922,000” and substitute  
22 “13,477,700”, and adjust the appropriate totals accordingly.

1           **\*b1546/3.38\* 1878.** Page 1315, line 14: delete “\$22,943,000” and substitute  
2           “\$24,498,700”.

3           **\*b1546/3.39\* 1879.** Page 1315, line 15: delete “3,038,000” and substitute  
4           “3,434,700”, and adjust the appropriate totals accordingly.

5           **\*b1546/3.40\* 1880.** Page 1315, line 16: delete “\$4,838,000” and substitute  
6           “\$5,234,700”.

7           **\*b1546/3.41\* 1881.** Page 1316, line 1: delete “\$111,332,500” and substitute  
8           “\$117,185,600”.

9           **\*b1546/3.42\* 1882.** Page 1316, line 3: delete “\$35,966,000” and substitute  
10          “\$38,250,900”.

11          **\*b1546/3.43\* 1883.** Page 1316, line 5: delete “\$22,943,000” and substitute  
12          “\$24,498,700”.

13          **\*b1546/3.44\* 1884.** Page 1316, line 9: delete “\$111,332,500” and substitute  
14          “\$117,185,600”.

15          **\*b1546/3.45\* 1885.** Page 1316, line 11: delete “\$35,966,000” and substitute  
16          “\$38,250,900”.

17          **\*b1546/3.46\* 1886.** Page 1316, line 13: delete “\$22,943,000” and substitute  
18          “\$24,498,700”.

19          **\*b1546/3.47\* 1887.** Page 1316, line 18: delete “\$111,332,500” and substitute  
20          “\$117,185,600”.

21          **\*b1546/3.48\* 1888.** Page 1316, line 20: delete “\$35,966,000” and substitute  
22          “\$38,250,900”.

1           **\*b1546/3.49\* 1889.** Page 1317, line 2: delete “\$111,332,500” and substitute  
2           “\$117,185,600”.

3           **\*b1546/3.50\* 1890.** Page 1317, line 5: delete “\$111,332,500” and substitute  
4           “\$117,185,600”.

5           **\*b1546/3.51\* 1891.** Page 1317, line 8: delete “\$111,332,500” and substitute  
6           “\$117,185,600”.

7           **\*b1546/3.52\* 1892.** Page 1317, line 10: delete “\$35,966,000” and substitute  
8           “\$38,250,900”.

9           **\*b1546/3.53\* 1893.** Page 1317, line 12: delete “\$4,838,000” and substitute  
10          “\$5,234,700”.

11          **\*b1546/3.54\* 1894.** Page 1317, line 15: delete “\$35,966,000” and substitute  
12          “\$38,250,900”.

13          **\*b1546/3.55\* 1895.** Page 1317, line 19: delete “\$111,332,500” and substitute  
14          “\$117,185,600”.

15          **\*b1546/3.56\* 1896.** Page 1318, line 2: delete “\$111,332,500” and substitute  
16          “\$117,185,600”.

17          **\*b1546/3.57\* 1897.** Page 1318, line 4: delete “\$35,966,000” and substitute  
18          “\$38,250,900”.

19          **\*b1546/3.58\* 1898.** Page 1320, line 21: after that line insert:

20          **\*b1546/3.58\*** “(4v) MECHANICAL ENGINEERING BUILDING RENOVATION AND  
21          ADDITION; UNIVERSITY OF WISCONSIN-MADISON. Notwithstanding section 18.04 (1) and  
22          (2) of the statutes, the building commission shall not authorize public debt to be  
23          contracted for the purpose of financing the mechanical engineering building