

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2941/1dn
RLR:jld:cph

August 26, 2003

Kelley Flury:

This bill exempts district attorneys from the collection agency licensing requirement for the purpose of collecting money from criminal defendants under deferred prosecution agreements related to worthless checks violations. The bill also addresses one of the issues raised by Steven Tinker in his letter of November 26, 2002, by authorizing district attorneys to charge defendants a fee for participating in a deferred prosecution program for worthless check violations. The bill does not address other issues in the November 26, 2002, letter such as compliance with the federal Fair Debt Collection Practices Act, 15 USC 1692a to 1692o, tort liability, liability under 42 USC 1983, or indemnification of a private vendor. Also, as we discussed, the bill does not exempt a private vendor who collects money from criminal defendants pursuant to a contract with a district attorney from the collection agency licensing requirement.

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us