

2003 ASSEMBLY BILL 421

AN ACT *to renumber* 14.58 (22) and 814.634 (2); *to renumber and amend* 23.51 (4), 102.01 (2) (i), 814.634 (title), 814.634 (1) (a) to (c), 814.634 (1) (d) and 814.635; *to amend* 13.093 (2) (a), 20.292 (1) (hm), 20.395 (2) (gj), 20.435 (1) (gr), 20.435 (3) (hh), 20.455 (2) (i), 20.475 (1) (i), 20.505 (6) (j) (intro.), 20.505 (6) (kp) (title), 20.505 (6) (kt) (title), 20.530 (1) (ja), 20.566 (1) (h), 20.680 (2) (j), 23.50 (1), 23.50 (2), 23.50 (3), 23.51 (3c), 23.51 (3g), 23.51 (3m), 23.51 (5), 23.51 (6), 23.51 (6m), 23.51 (8), 23.51 (9), 23.51 (10), 23.53 (1), 23.54 (3) (e), 23.54 (3) (i), 23.54 (3) (j), 23.55 (1) (b), 23.56 (2), 23.66 (2), 23.66 (4), 23.67 (2), 23.67 (3), 23.75 (3) (a) 2., 23.75 (3) (b), 23.75 (3) (c), 23.79 (1), 23.79 (2), 23.80 (2), 23.83 (2), 23.84, 23.85, 25.40 (1) (ij), 25.46 (13m), 29.961 (1) (c), 29.964 (3), 29.971 (1g), 29.971 (2) (c), 29.983 (title), 29.983 (1) (a), 29.983 (1) (b) (intro.), 29.983 (1) (d), 29.983 (1) (e), 29.983 (1) (f), 29.983 (2) (title), 29.985, 29.987, 29.989, 48.37, 59.25 (3) (f) 1., 59.25 (3) (f) 2., 59.25 (3) (j), 59.25 (3) (k), 59.40 (2) (m), 66.0113 (1) (b) 7. c., 66.0113 (1) (b) 7. d., 66.0113 (1) (c), 66.0113 (3) (a), 66.0113 (3) (b), 66.0113

ASSEMBLY BILL 421

(3) (c), 66.0113 (3) (d), 66.0114 (1) (b), 66.0114 (1) (bm), 100.261 (title), 100.261 (1), 100.261 (2), 100.261 (3) (a), 100.261 (3) (b), 102.80 (1) (b), 102.85 (4), 102.85 (5) (a), 102.87 (2) (e), 102.87 (2) (g), 102.87 (2) (h), 102.87 (3), 102.87 (5), 102.87 (6), 102.87 (7) (b), 102.87 (7) (c), 102.87 (9), 148.04 (3), 165.755 (title), 165.755 (1) (a), 165.755 (1) (b), 165.755 (2), 165.755 (5), 165.755 (6), 165.755 (7), 167.31 (5), 169.46, 180.0850 (4), 181.0871 (4), 183.0403 (1) (b), 185.034 (4), 186.082 (4), 187.20 (4), 215.512 (3), 221.0626 (3), 221.0626 (3), 253.06 (3) (a) 3., 253.06 (3m) (a) 2., 253.06 (4) (c) 1., 299.93, 302.46 (title), 302.46 (1) (a), 302.46 (1) (b), 302.46 (1) (c), 302.46 (1) (d), 345.20 (2) (f), 345.26 (1) (b) 1., 345.26 (2) (b), 345.36 (2) (b), 345.37 (1) (b), 345.37 (2), 345.37 (5), 345.375 (2), 345.47 (title), 345.47 (1) (intro.), 345.47 (1) (b), 345.47 (1) (c), 345.47 (2), 345.47 (3), 345.49 (title), 345.49 (1), 345.49 (2), 345.61 (2) (c), 346.177, 346.495, 346.65 (4r), 346.655 (1), 349.04 (title), 349.04 (1), 349.04 (2), 349.04 (3), 349.04 (4), 350.115, 447.15 (4), 753.40, 757.05 (title), 757.05 (1) (a), 757.05 (1) (d), 757.05 (2) (title), 757.05 (2) (a), 757.05 (2) (b), 758.19 (6) (c) 1. a., 778.02, 778.03, 778.06, 778.10, 778.105, 778.13, 778.18, 778.25 (2) (g), 778.25 (3), 778.25 (5), 778.25 (8) (b), 778.25 (10), 778.26 (2) (e), 778.26 (2) (g), 778.26 (2) (h), 778.26 (3), 778.26 (4), 778.26 (5), 778.26 (6), 778.26 (7) (b), 778.26 (7) (c), 778.26 (9), 778.30 (1) (b), 800.02 (2) (a) 8., 800.02 (3) (a) 5., 800.03 (3), 800.04 (2) (b), 800.04 (2) (c), 800.09 (1) (intro.), 800.09 (1) (a), 800.09 (2) (b), 800.10 (2), 800.12 (2), chapter 814 (title), 938.237 (2), 938.37 (1), 938.37 (3), 961.41 (5) (a), 971.37 (1m) (c) 1. (intro.), 971.37 (1m) (c) 1. a., 973.05 (1), 973.05 (2), 973.05 (3) (a), 973.05 (4), 973.055 (1) (intro.), 973.055 (2) (a), 973.055 (2) (b), 973.055 (3), 973.055 (4), 973.06 (title), 973.06 (1) (intro.), 973.06 (1) (f) 1. (intro.), 973.06 (1) (f) 2., 973.07, 973.09 (1x), 973.20 (11) (a), 973.20 (12) (a) and 973.20 (12) (b); **to repeal and recreate** 814.60 (2) and

ASSEMBLY BILL 421

814.63 (3); and *to create* 14.58 (22) and subchapter III of chapter 814 [precedes 814.75] of the statutes; **relating to:** assessments, costs, fees, and surcharges.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 13.093 (2) (a) of the statutes is amended to read:

2 13.093 **(2)** (a) Any bill making an appropriation and, any bill increasing or
3 decreasing existing appropriations or state or general local government fiscal
4 liability or revenues, and any bill that modifies an existing surcharge or creates a
5 new surcharge that is imposed under ch. 814, shall, before any vote is taken thereon
6 by either house of the legislature if the bill is not referred to a standing committee,
7 or before any public hearing is held before any standing committee or, if no public
8 hearing is held, before any vote is taken by the committee, incorporate a reliable
9 estimate of the anticipated change in appropriation authority or state or general
10 local government fiscal liability or revenues under the bill, including to the extent
11 possible a projection of such changes in future biennia. For purposes of this
12 paragraph, a bill increasing or decreasing the liability or revenues of the
13 unemployment reserve fund is considered to increase or decrease state fiscal liability
14 or revenues. Except as otherwise provided by joint rules of the legislature or this
15 paragraph, such estimates shall be made by the department or agency administering
16 the appropriation or fund or collecting the revenue. The joint survey committee on
17 retirement systems shall prepare the fiscal estimate with respect to the provisions
18 of any bill referred to it which create or modify any system for, or make any provision
19 for, the retirement of or payment of pensions to public officers or employees. The

ASSEMBLY BILL 421**SECTION 1**

1 director of state courts shall prepare the fiscal estimate with respect to the provisions
2 of any bill that modifies an existing surcharge or creates a new surcharge that is
3 imposed under ch. 814. When a fiscal estimate is prepared after the bill has been
4 introduced, it shall be printed and distributed as are amendments.

5 **SECTION 2.** 14.58 (22) of the statutes is created to read:

6 **14.58 (22) REPORT FEES AND SURCHARGES.** Report annually to the legislature the
7 amount of money collected by municipal and circuit courts as costs, fees, fines,
8 forfeitures, and surcharges imposed under ch. 814.

9 **SECTION 2d.** 14.58 (22) of the statutes, as created by 2003 Wisconsin Act (this
10 act), is renumbered 16.401 (15).

11 **SECTION 3.** 20.292 (1) (hm) of the statutes is amended to read:

12 **20.292 (1) (hm)** *Truck driver training.* All moneys received from truck driver
13 education assessments surcharges under s. 349.04 to award grants for truck driver
14 training under s. 38.04 (31).

15 **SECTION 4.** 20.395 (2) (gj) of the statutes is amended to read:

16 **20.395 (2) (gj)** *Railroad crossing protection installation and maintenance, state*
17 *funds.* All moneys received from railroad crossing improvement ~~assessments~~
18 ~~required~~ surcharges under ss. 346.177, 346.495, and 346.65 (4r), for the purpose of
19 railroad crossing protection installation and maintenance under s. 195.28 (2) and (3).

20 **SECTION 5.** 20.435 (1) (gr) of the statutes is amended to read:

21 **20.435 (1) (gr)** *Supplemental food program for women, infants, and children*
22 *administration.* All moneys received from the supplemental food enforcement
23 ~~assessments~~ surcharges on fines, forfeitures, and recoupments that are levied by a
24 court under s. 253.06 (4) (c) and on forfeitures and recoupments that are levied by

ASSEMBLY BILL 421

1 the department under s. 253.06 (5) (c) to finance fraud reduction in the supplemental
2 food program for women, infants, and children under s. 253.06.

3 **SECTION 6.** 20.435 (3) (hh) of the statutes is amended to read:

4 20.435 (3) (hh) *Domestic abuse assessment surcharge grants.* All moneys
5 received from the domestic abuse ~~assessment~~ surcharge on court fines, as authorized
6 under s. 971.37 (1m) (c) 1. or 973.055, to provide grants to domestic abuse services
7 organizations under s. 46.95.

8 **SECTION 7.** 20.455 (2) (i) of the statutes is amended to read:

9 20.455 (2) (i) *Penalty assessment surcharge, receipts.* The amounts in the
10 schedule for the purposes of s. 165.85 (5) (b) and for crime laboratory equipment. All
11 moneys received from the penalty ~~assessment~~ surcharge on court fines and
12 forfeitures as allocated to this appropriation account under s. 757.05 (2) (a) shall be
13 credited to this appropriation account. Moneys may be transferred from this
14 paragraph to pars. (j), (ja), and (jb) by the secretary of administration for
15 expenditures based upon determinations by the department of justice.

16 **SECTION 8.** 20.475 (1) (i) of the statutes is amended to read:

17 20.475 (1) (i) *Other employees.* The amounts in the schedule to reimburse
18 Milwaukee County for the costs of clerks necessary for the prosecution of violent
19 crime cases under s. 978.13 (1) (c) and clerks providing clerical services under s.
20 978.13 (1) (b) to prosecutors handling cases involving felony violations under ch. 961.
21 All moneys received under s. ~~814.635~~ 814.86 (1m) shall be credited to this
22 appropriation account.

23 **SECTION 9.** 20.505 (6) (j) (intro.) of the statutes is amended to read:

24 20.505 (6) (j) *Penalty assessment surcharge receipts.* (intro.) All moneys
25 received from the penalty ~~assessment~~ surcharge under s. 757.05 (2) (b) on court fines

ASSEMBLY BILL 421**SECTION 9**

1 and forfeitures and all moneys transferred under 2001 Wisconsin Act 16, sections
2 9201 (6c) (a), (b), and (c), 9211 (2c), and 9240 (1c), for the purpose of transferring the
3 following amounts to the following appropriation accounts:

4 **SECTION 10.** 20.505 (6) (kp) (title) of the statutes is amended to read:

5 20.505 (6) (kp) (title) *Anti-drug enforcement program, penalty*
6 *assessment surcharge — local.*

7 **SECTION 11.** 20.505 (6) (kt) (title) of the statutes is amended to read:

8 20.505 (6) (kt) (title) *Anti-drug enforcement program, penalty*
9 *assessment surcharge — state.*

10 **SECTION 12.** 20.530 (1) (ja) of the statutes is amended to read:

11 20.530 (1) (ja) *Justice information systems.* The amounts in the schedule for
12 the development and operation of automated justice information systems under s.
13 22.03 (9). Two-ninths of the moneys received under s. ~~814.635~~ 814.86 (1) shall be
14 credited to this appropriation account.

15 **SECTION 13.** 20.566 (1) (h) of the statutes is amended to read:

16 20.566 (1) (h) *Debt collection.* From moneys received from the collection of
17 debts owed to state agencies under ss. 71.93 and 565.30 (5), from the collection of
18 unpaid fines, forfeitures, costs, assessments ~~fees~~, surcharges, and restitution
19 payments under s. 565.30 (5r) (b), from the collection of fees under s. 73.03 (52), and
20 from moneys received from the collection of debts owed to municipalities and
21 counties under s. 71.935, the amounts in the schedule to pay the administrative
22 expenses of the department of revenue for the collection of those debts, fines,
23 forfeitures, costs, ~~assessments~~, surcharges, fees, and restitution payments.
24 Notwithstanding s. 20.001 (3) (a), at the end of the fiscal year the unencumbered
25 balance of this appropriation account lapses to the general fund.

ASSEMBLY BILL 421

1 **SECTION 14.** 20.680 (2) (j) of the statutes is amended to read:

2 20.680 **(2)** (j) *Court information systems.* All moneys received under ss. 814.61,
3 814.62, and 814.63 that are required to be credited to this appropriation account
4 under those sections and six-ninths of the moneys received under s. ~~814.635~~ 814.86
5 (1) for the operation of circuit court automated information systems under s. 758.19
6 (4).

7 **SECTION 15.** 23.50 (1) of the statutes is amended to read:

8 23.50 **(1)** The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
9 court to recover forfeitures, ~~penalty assessments, jail assessments, applicable~~
10 ~~weapons assessments, applicable environmental assessments, applicable wild~~
11 ~~animal protection assessments, applicable natural resources assessments,~~
12 ~~applicable fishing shelter removal assessments, applicable snowmobile registration~~
13 ~~restitution payments and applicable natural resources restitution payments~~ plus
14 costs, fees, and surcharges imposed under ch. 814, for violations of ss. 77.09, 90.21,
15 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c),
16 and (4), 287.07, 287.08, 287.81, and 299.64 (2), subch. VI of ch. 77, this chapter, and
17 chs. 26 to 31, ch. 169, and ch. 350, and any administrative rules promulgated
18 thereunder, violations specified under s. 285.86, violations of ch. 951 if the animal
19 involved is a captive wild animal, violations of rules of the Kickapoo reserve
20 management board under s. 41.41 (7) (k), or violations of local ordinances enacted
21 by any local authority in accordance with s. 23.33 (11) (am) or 30.77.

22 **SECTION 16.** 23.50 (2) of the statutes is amended to read:

23 23.50 **(2)** All actions to recover these forfeitures, ~~penalty assessments, jail~~
24 ~~assessments, applicable weapons assessments, applicable environmental~~
25 ~~assessments, applicable wild animal protection assessments, applicable natural~~

ASSEMBLY BILL 421**SECTION 16**

1 ~~resources assessments, applicable fishing shelter removal assessments, applicable~~
2 ~~snowmobile registration restitution payments and applicable natural resources~~
3 ~~restitution payments~~ and costs, fees, and surcharges imposed under ch. 814 are civil
4 actions in the name of the state of Wisconsin, shall be heard in the circuit court for
5 the county where the offense occurred, and shall be recovered under the procedure
6 set forth in ss. 23.50 to 23.85.

7 **SECTION 17.** 23.50 (3) of the statutes is amended to read:

8 23.50 (3) All actions in municipal court to recover forfeitures, penalty
9 ~~assessments and jail assessments~~ plus costs, fees, and surcharges imposed under ch.
10 814, for violations of local ordinances enacted by any local authority in accordance
11 with s. 23.33 (11) (am) or 30.77 shall utilize the procedure in ch. 800. The actions
12 shall be brought before the municipal court having jurisdiction. Provisions relating
13 to citations, arrests, questioning, releases, searches, deposits, and stipulations of no
14 contest in ss. 23.51 (1m), (3), and (8), 23.53, 23.54, 23.56 to 23.64, 23.66, and 23.67
15 shall apply to violations of such ordinances.

16 **SECTION 18.** 23.51 (3c) of the statutes is amended to read:

17 23.51 (3c) “Environmental assessment surcharge” means the assessment
18 ~~imposed~~ surcharge under s. 299.93.

19 **SECTION 19.** 23.51 (3g) of the statutes is amended to read:

20 23.51 (3g) “Fishing shelter removal assessment surcharge” means the
21 ~~assessment imposed~~ surcharge under s. 29.985.

22 **SECTION 20.** 23.51 (3m) of the statutes is amended to read:

23 23.51 (3m) “Jail assessment surcharge” means the ~~assessment imposed~~
24 surcharge by s. 302.46 (1).

ASSEMBLY BILL 421

1 **SECTION 21.** 23.51 (4) of the statutes is renumbered 23.51 (5g) and amended
2 to read:

3 23.51 **(5g)** “Natural resources assessment surchage” means the assessment
4 imposed surchage under s. 29.987.

5 **SECTION 22.** 23.51 (5) of the statutes is amended to read:

6 23.51 **(5)** “Natural resources restitution payment surchage” means the
7 payment imposed surchage under s. 29.989 or 169.46 (2).

8 **SECTION 23.** 23.51 (6) of the statutes is amended to read:

9 23.51 **(6)** “Penalty assessment surchage” means the penalty assessment
10 imposed by surchage under s. 757.05.

11 **SECTION 24.** 23.51 (6m) of the statutes is amended to read:

12 23.51 **(6m)** “Snowmobile registration restitution payment surchage” means
13 the payment imposed surchage under s. 350.115.

14 **SECTION 25.** 23.51 (8) of the statutes is amended to read:

15 23.51 **(8)** “Violation” means conduct which is prohibited by state law or
16 municipal ordinance and punishable by a forfeiture, ~~a penalty assessment, a jail~~
17 ~~assessment and a crime laboratories and drug law enforcement assessment.~~

18 **SECTION 26.** 23.51 (9) of the statutes is amended to read:

19 23.51 **(9)** “Weapons assessment surchage” means the assessment imposed
20 surchage under s. 167.31 (5).

21 **SECTION 27.** 23.51 (10) of the statutes is amended to read:

22 23.51 **(10)** “Wild animal protection assessment surchage” means the
23 assessment imposed surchage under s. 29.983.

24 **SECTION 28.** 23.53 (1) of the statutes is amended to read:

ASSEMBLY BILL 421**SECTION 28**

1 23.53 (1) The citation created under this section shall, in all actions to recover
2 forfeitures, ~~penalty assessments, jail assessments, applicable weapons assessments,~~
3 ~~applicable environmental assessments, applicable wild animal protection~~
4 ~~assessments, applicable natural resources assessments, applicable fishing shelter~~
5 ~~removal assessments, applicable snowmobile registration restitution payments and~~
6 ~~applicable natural resources restitution payments~~ plus costs, fees, and surcharges
7 imposed under ch. 814, for violations of those statutes enumerated in s. 23.50 (1), any
8 administrative rules promulgated thereunder, and any rule of the Kickapoo reserve
9 management board under s. 41.41 (7) (k) be used by any law enforcement officer with
10 authority to enforce those laws, except that the uniform traffic citation created under
11 s. 345.11 may be used by a traffic officer employed under s. 110.07 in enforcing s.
12 167.31 or by an officer of a law enforcement agency of a municipality or county or a
13 traffic officer employed under s. 110.07 in enforcing s. 287.81. In accordance with s.
14 345.11 (1m), the citation shall not be used for violations of ch. 350 relating to highway
15 use. The citation may be used for violations of local ordinances enacted by any local
16 authority in accordance with s. 23.33 (11) (am) or 30.77.

17 **SECTION 29.** 23.54 (3) (e) of the statutes is amended to read:

18 23.54 (3) (e) The maximum forfeiture, ~~penalty assessment, jail assessment,~~
19 ~~crime laboratories and drug law enforcement assessment, applicable weapons~~
20 ~~assessment, applicable environmental assessment, applicable wild animal~~
21 ~~protection assessment, applicable natural resources assessment, applicable fishing~~
22 ~~shelter removal assessment, applicable snowmobile registration restitution~~
23 ~~payment and applicable natural resources restitution payment~~ plus costs, fees, and
24 surcharges imposed under ch. 814, for which the defendant might be found liable.

25 **SECTION 30.** 23.54 (3) (i) of the statutes is amended to read:

ASSEMBLY BILL 421

1 23.54 (3) (i) Notice that if the defendant makes a deposit and fails to appear
2 in court at the time fixed in the citation, the defendant will be deemed to have
3 tendered a plea of no contest and submitted to a forfeiture, ~~a penalty assessment,~~
4 ~~a jail assessment, a crime laboratories and drug law enforcement assessment, any~~
5 ~~applicable weapons assessment, any applicable environmental assessment, any~~
6 ~~applicable wild animal protection assessment, any applicable natural resources~~
7 ~~assessment, any applicable fishing shelter removal assessment, any applicable~~
8 ~~snowmobile registration restitution payment and any applicable natural resources~~
9 ~~restitution payment plus costs, including any applicable fees prescribed in, and~~
10 ~~surcharges imposed under~~ ch. 814, not to exceed the amount of the deposit. The
11 notice shall also state that the court may decide to summon the defendant rather
12 than accept the deposit and plea.

13 **SECTION 31.** 23.54 (3) (j) of the statutes is amended to read:

14 23.54 (3) (j) Notice that if the defendant makes a deposit and signs the
15 stipulation, the defendant will be deemed to have tendered a plea of no contest and
16 submitted to a forfeiture, ~~a penalty assessment, a jail assessment, a crime~~
17 ~~laboratories and drug law enforcement assessment, any applicable weapons~~
18 ~~assessment, any applicable environmental assessment, any applicable wild animal~~
19 ~~protection assessment, any applicable natural resources assessment, any applicable~~
20 ~~fishing shelter removal assessment, any applicable snowmobile registration~~
21 ~~restitution payment and any applicable natural resources restitution payment plus~~
22 ~~costs, including any applicable fees prescribed in, and surcharges imposed under~~ ch.
23 814, not to exceed the amount of the deposit. The notice shall also state that the court
24 may decide to summon the defendant rather than accept the deposit and stipulation,

ASSEMBLY BILL 421**SECTION 31**

1 and that the defendant may, at any time prior to or at the time of the court
2 appearance date, move the court for relief from the effects of the stipulation.

3 **SECTION 32.** 23.55 (1) (b) of the statutes is amended to read:

4 23.55 (1) (b) A plain and concise statement of the violation identifying the event
5 or occurrence from which the violation arose and showing that the plaintiff is entitled
6 to relief, the statute upon which the cause of action is based and a demand for a
7 forfeiture, the amount of which shall not exceed the maximum set by the statute
8 involved, ~~a penalty assessment, a jail assessment, a crime laboratories and drug law~~
9 ~~enforcement assessment, any applicable weapons assessment, any applicable~~
10 ~~environmental assessment, any applicable wild animal protection assessment, any~~
11 ~~applicable natural resources assessment, any applicable fishing shelter removal~~
12 ~~assessment, any applicable snowmobile registration restitution payment, any~~
13 ~~applicable natural resources restitution payment~~ plus costs, fees, and surcharges
14 imposed under ch. 814, and any other relief that is sought by the plaintiff.

15 **SECTION 33.** 23.56 (2) of the statutes is amended to read:

16 23.56 (2) In actions to collect forfeitures, ~~penalty assessments, jail~~
17 ~~assessments, applicable weapons assessments, applicable environmental~~
18 ~~assessments, applicable wild animal protection assessments, applicable natural~~
19 ~~resources assessments, applicable fishing shelter removal assessments, applicable~~
20 ~~snowmobile registration restitution payments and applicable natural resources~~
21 ~~restitution payments~~ plus costs, fees, and surcharges imposed under ch. 814, the
22 judge who issues a warrant under sub. (1) may endorse upon the warrant the amount
23 of the deposit. If no endorsement is made, the deposit schedule under s. 23.66 shall
24 apply, unless the court directs that the person be brought before the court.

25 **SECTION 34.** 23.66 (2) of the statutes is amended to read:

ASSEMBLY BILL 421

1 23.66 (2) The person receiving the deposit shall prepare a receipt in triplicate
2 showing the purpose for which the deposit is made, stating that the defendant may
3 inquire at the office of the clerk of court or municipal court regarding the disposition
4 of the deposit, and notifying the defendant that if he or she fails to appear in court
5 at the time fixed in the citation he or she will be deemed to have tendered a plea of
6 no contest and submitted to a forfeiture, ~~a penalty assessment, a jail assessment,~~
7 ~~a crime laboratories and drug law enforcement assessment, any applicable weapons~~
8 ~~assessment, any applicable environmental assessment, any applicable wild animal~~
9 ~~protection assessment, any applicable natural resources assessment, any applicable~~
10 ~~fishing shelter removal assessment, any applicable snowmobile registration~~
11 ~~restitution payment and any applicable natural resources restitution payment plus~~
12 ~~costs, including any applicable fees prescribed in, and surcharges imposed under ch.~~
13 814, not to exceed the amount of the deposit which the court may accept. The original
14 of the receipt shall be delivered to the defendant in person or by mail. If the
15 defendant pays by check, share draft, or other draft, the check, share draft, or other
16 draft or a microfilm copy of the check, share draft, or other draft shall be considered
17 a receipt. If the defendant makes the deposit by use of a credit card, the credit charge
18 receipt shall be considered a receipt.

19 **SECTION 35.** 23.66 (4) of the statutes is amended to read:

20 23.66 (4) The basic amount of the deposit shall be determined in accordance
21 with a deposit schedule that the judicial conference shall establish. Annually, the
22 judicial conference shall review and may revise the schedule. In addition to the basic
23 amount determined according to the schedule, the deposit shall include court costs,
24 ~~including any applicable fees prescribed in~~ fees, and surcharges imposed under ch.
25 814, ~~any applicable penalty assessment, any applicable jail assessment, any~~

ASSEMBLY BILL 421**SECTION 35**

1 applicable ~~crime laboratories and drug law enforcement assessment, any applicable~~
2 ~~weapons assessment, any applicable environmental assessment, any applicable wild~~
3 ~~animal protection assessment, any applicable natural resources assessment, any~~
4 ~~applicable fishing shelter removal assessment, any applicable snowmobile~~
5 ~~registration restitution payment and any applicable natural resources restitution~~
6 ~~payment.~~

7 **SECTION 36.** 23.67 (2) of the statutes is amended to read:

8 23.67 (2) The deposit and stipulation of no contest may be made at any time
9 prior to the court appearance date. By signing the stipulation, the defendant is
10 deemed to have tendered a plea of no contest and submitted to a forfeiture, ~~a penalty~~
11 ~~assessment, a jail assessment, a crime laboratories and drug law enforcement~~
12 ~~assessment, any applicable weapons assessment, any applicable environmental~~
13 ~~assessment, any applicable wild animal protection assessment, any applicable~~
14 ~~natural resources assessment, any applicable fishing shelter removal assessment,~~
15 ~~any applicable snowmobile registration restitution payment and any applicable~~
16 ~~natural resources restitution payment plus costs, including any applicable fees~~
17 ~~prescribed in, and surcharges imposed under~~ ch. 814, not to exceed the amount of the
18 deposit.

19 **SECTION 37.** 23.67 (3) of the statutes is amended to read:

20 23.67 (3) The person receiving the deposit and stipulation of no contest shall
21 prepare a receipt in triplicate showing the purpose for which the deposit is made,
22 stating that the defendant may inquire at the office of the clerk of court or municipal
23 court regarding the disposition of the deposit, and notifying the defendant that if the
24 stipulation of no contest is accepted by the court the defendant will be deemed to have
25 submitted to a forfeiture, ~~a penalty assessment, a jail assessment, a crime~~

ASSEMBLY BILL 421

1 ~~laboratories and drug law enforcement assessment, any applicable weapons~~
2 ~~assessment, any applicable environmental assessment, any applicable wild animal~~
3 ~~protection assessment, any applicable natural resources assessment, any applicable~~
4 ~~fishing shelter removal assessment, any applicable snowmobile registration~~
5 ~~restitution payment and any applicable natural resources restitution payment plus~~
6 ~~costs, including any applicable fees prescribed in, and surcharges imposed under ch.~~
7 ~~814, not to exceed the amount of the deposit. Delivery of the receipt shall be made~~
8 ~~in the same manner as in s. 23.66.~~

9 **SECTION 38.** 23.75 (3) (a) 2. of the statutes is amended to read:

10 23.75 (3) (a) 2. If the court considers the nonappearance to be a plea of no
11 contest and enters judgment accordingly, the court shall promptly mail a copy or
12 notice of the judgment to the defendant. The judgment shall allow the defendant not
13 less than 20 working days from the date the judgment copy or notice is mailed to pay
14 the forfeiture, ~~penalty assessment, jail assessment and crime laboratories and drug~~
15 ~~law enforcement assessment, any applicable weapons assessment, any applicable~~
16 ~~environmental assessment, any applicable wild animal protection assessment, any~~
17 ~~applicable natural resources assessment, any applicable fishing shelter removal~~
18 ~~assessment, any applicable snowmobile registration restitution payment and any~~
19 ~~applicable natural resources restitution payment plus costs, including any~~
20 ~~applicable fees prescribed in, and surcharges imposed under ch. 814.~~

21 **SECTION 39.** 23.75 (3) (b) of the statutes is amended to read:

22 23.75 (3) (b) If the defendant has made a deposit, the citation may serve as the
23 initial pleading and the defendant shall be deemed to have tendered a plea of no
24 contest and submitted to a forfeiture, ~~a penalty assessment, a jail assessment, a~~
25 ~~crime laboratories and drug law enforcement assessment, any applicable weapons~~

ASSEMBLY BILL 421**SECTION 39**

1 ~~assessment, any applicable environmental assessment, any applicable wild animal~~
2 ~~protection assessment, any applicable natural resources assessment, any applicable~~
3 ~~fishing shelter removal assessment, any applicable snowmobile registration~~
4 ~~restitution payment and any applicable natural resources restitution payment plus~~
5 ~~any applicable costs, fees prescribed in, and surcharges imposed under ch. 814, not~~
6 ~~exceeding the amount of the deposit. The court may either accept the plea of no~~
7 ~~contest and enter judgment accordingly, or reject the plea and issue a summons. If~~
8 ~~the defendant fails to appear in response to the summons, the court shall issue an~~
9 ~~arrest warrant. If the court accepts the plea of no contest, the defendant may move~~
10 ~~within 90 days after the date set for appearance to withdraw the plea of no contest,~~
11 ~~open the judgment, and enter a plea of not guilty if the defendant shows to the~~
12 ~~satisfaction of the court that failure to appear was due to mistake, inadvertence,~~
13 ~~surprise, or excusable neglect. If a party is relieved from the plea of no contest, the~~
14 ~~court or judge may order a written complaint to be filed and set the matter for trial.~~
15 ~~After trial, the costs and, fees, and surcharges imposed under ch. 814 shall be taxed~~
16 ~~as provided by law. If on reopening the defendant is found not guilty, the court shall~~
17 ~~delete the record of conviction and shall order the defendant's deposit returned.~~

18 **SECTION 40.** 23.75 (3) (c) of the statutes is amended to read:

19 23.75 (3) (c) If the defendant has made a deposit and stipulation of no contest,
20 the citation may serve as the initial pleading and the defendant shall be deemed to
21 have tendered a plea of no contest and submitted to a forfeiture, ~~a penalty~~
22 ~~assessment, a jail assessment, a crime laboratories and drug law enforcement~~
23 ~~assessment, any applicable weapons assessment, any applicable environmental~~
24 ~~assessment, any applicable wild animal protection assessment, any applicable~~
25 ~~natural resources assessment, any applicable fishing shelter removal assessment,~~

ASSEMBLY BILL 421

1 ~~any applicable snowmobile registration restitution payment and any applicable~~
2 ~~natural resources restitution payment plus any applicable costs, fees prescribed in,~~
3 ~~and surcharges imposed under ch. 814, not exceeding the amount of the deposit. The~~
4 ~~court may either accept the plea of no contest and enter judgment accordingly, or~~
5 ~~reject the plea and issue a summons. If the defendant fails to appear in response to~~
6 ~~the summons, the court shall issue an arrest warrant. After signing a stipulation of~~
7 ~~no contest, the defendant may, at any time prior to or at the time of the court~~
8 ~~appearance date, move the court for relief from the effect of the stipulation. The court~~
9 ~~may act on the motion, with or without notice, for cause shown by affidavit and upon~~
10 ~~just terms, and relieve the defendant from the stipulation and the effects thereof.~~
11 ~~If the defendant is relieved from the stipulation of no contest, the court may order~~
12 ~~a citation or complaint to be filed and set the matter for trial. After trial, the costs~~
13 ~~and, fees, and surcharges imposed under ch. 814 shall be taxed as provided by law.~~

14 **SECTION 41.** 23.79 (1) of the statutes is amended to read:

15 23.79 (1) If the defendant is found guilty, the court may enter judgment against
16 the defendant for a monetary amount not to exceed the maximum forfeiture provided
17 by the statute for the violation, ~~the penalty assessment, the jail assessment, the~~
18 ~~crime laboratories and drug law enforcement assessment, any applicable weapons~~
19 ~~assessment, any applicable environmental assessment, any applicable wild animal~~
20 ~~protection assessment, any applicable natural resources assessment, any applicable~~
21 ~~fishing shelter removal assessment, any applicable snowmobile registration~~
22 ~~restitution payment, any applicable natural resources restitution payment and for~~
23 ~~plus costs, fees, and surcharges imposed under ch. 814.~~

24 **SECTION 42.** 23.79 (2) of the statutes is amended to read:

ASSEMBLY BILL 421**SECTION 42**

1 23.79 (2) The payment of any judgment may be suspended or deferred for not
2 more than 90 days in the discretion of the court. In cases where a deposit has been
3 made, any forfeitures, ~~penalty assessments, jail assessments, weapons assessments,~~
4 ~~environmental assessments, wild animal protection assessments, natural resources~~
5 ~~assessments, fishing shelter removal assessments, snowmobile registration~~
6 ~~restitution payments, natural resources restitution payments or costs, fees, and~~
7 ~~surcharges imposed under ch. 814~~ shall be taken out of the deposit and the balance,
8 if any, returned to the defendant.

9 **SECTION 43.** 23.80 (2) of the statutes is amended to read:

10 23.80 (2) Upon default of the defendant corporation or municipality, or upon
11 conviction, judgment for the amount of the forfeiture, ~~the penalty assessment, the~~
12 ~~jail assessment, the crime laboratories and drug law enforcement assessment, any~~
13 ~~applicable weapons assessment, any applicable environmental assessment, any~~
14 ~~applicable wild animal protection assessment, any applicable natural resources~~
15 ~~assessment, any applicable fishing shelter removal assessment, any applicable~~
16 ~~snowmobile registration restitution payment and any applicable natural resources~~
17 ~~restitution payment plus costs, fees, and surcharges imposed under ch. 814,~~ shall be
18 entered.

19 **SECTION 44.** 23.83 (2) of the statutes is amended to read:

20 23.83 (2) STAY OF EXECUTION. The amount of undertaking required to stay
21 execution on appeal shall not exceed the amount of the maximum forfeiture,
22 ~~applicable weapons assessment, applicable environmental assessment, applicable~~
23 ~~wild animal protection assessment, applicable natural resources assessment,~~
24 ~~applicable fishing shelter removal assessment, applicable snowmobile registration~~

ASSEMBLY BILL 421

1 ~~restitution payment and applicable natural resources restitution payment plus court~~
2 ~~costs, fees, and surcharges imposed under ch. 814.~~

3 **SECTION 45.** 23.84 of the statutes is amended to read:

4 **23.84 Forfeitures and assessments, costs, fees, and surcharges**
5 **collected; to whom paid.** Except for actions in municipal court, all moneys
6 collected in favor of the state or a municipality for a forfeiture, ~~penalty assessment,~~
7 ~~jail assessment, crime laboratories and drug law enforcement assessment,~~
8 ~~applicable weapons assessment, applicable environmental assessment, applicable~~
9 ~~wild animal protection assessment, applicable natural resources assessment,~~
10 ~~applicable fishing shelter removal assessment, applicable snowmobile registration~~
11 ~~restitution payment and applicable natural resources restitution payment plus~~
12 ~~costs, fees, and surcharges imposed under ch. 814.~~ shall be paid by the officer who
13 collects the same to the appropriate municipal or county treasurer, within 20 days
14 after its their receipt by the officer, except that all jail assessments surcharges
15 imposed under ch. 814 shall be paid to the county treasurer. In case of any failure
16 in the payment, the municipal or county treasurer may collect the payment from the
17 officer by an action in the treasurer's name of office and upon the official bond of the
18 officer, with interest at the rate of 12% per year from the time when it should have
19 been paid.

20 **SECTION 46.** 23.85 of the statutes is amended to read:

21 **23.85 Statement to county board; payment to state.** Every county
22 treasurer shall, on the first day of the annual meeting of the county board of
23 supervisors, submit to it a verified statement of all forfeitures, ~~penalty assessments,~~
24 ~~jail assessments, weapons assessments, environmental assessments, wild animal~~
25 ~~protection assessments, natural resources assessments, fishing shelter removal~~

ASSEMBLY BILL 421**SECTION 46**

1 ~~assessments, snowmobile registration restitution payments and natural resources~~
2 ~~restitution payments money~~ costs, fees, and surcharges imposed under ch. 814 and
3 received during the previous year. The county clerk shall deduct all expenses
4 incurred by the county in recovering those forfeitures, ~~penalty assessments,~~
5 ~~weapons assessments, environmental assessments, wild animal protection~~
6 ~~assessments, natural resources assessments, fishing shelter removal assessments,~~
7 ~~snowmobile registration restitution payments and natural resources restitution~~
8 ~~payments~~ costs, fees, and surcharges from the aggregate amount so received, and
9 shall immediately certify the amount of clear proceeds of those forfeitures, penalty
10 ~~assessments, weapons assessments, environmental assessments, wild animal~~
11 ~~protection assessments, natural resources assessments, fishing shelter removal~~
12 ~~assessments, snowmobile registration restitution payments and natural resources~~
13 ~~restitution payments~~ costs, fees, and surcharges to the county treasurer, who shall
14 pay the proceeds to the state treasurer as provided in s. 59.25 (3). Jail ~~assessments~~
15 surcharges imposed under ch. 814 shall be treated separately as provided in s.
16 302.46.

17 **SECTION 47.** 25.40 (1) (ij) of the statutes is amended to read:

18 25.40 (1) (ij) All moneys forwarded by county treasurers from railroad crossing
19 improvement ~~assessments required~~ surcharges under ss. 346.177, 346.495, and
20 346.65 (4r), as provided in s. 59.25 (3) (f) 2.

21 **SECTION 48.** 25.46 (13m) of the statutes is amended to read:

22 25.46 (13m) The environmental ~~assessments imposed~~ surcharges under s.
23 299.93 for environmental enforcement, environmental repair, and environmental
24 education.

25 **SECTION 49.** 29.961 (1) (c) of the statutes is amended to read:

ASSEMBLY BILL 421

1 29.961 **(1)** (c) Shall pay a natural resources restitution ~~payment~~ surcharge
2 equal to the amount of the statutory fee for the approval which was required and
3 should have been obtained.

4 **SECTION 50.** 29.964 (3) of the statutes is amended to read:

5 29.964 **(3)** Shall pay a natural resources restitution ~~payment~~ surcharge equal
6 to the statutory fee for the approval which was required and should have been
7 obtained.

8 **SECTION 51.** 29.971 (1g) of the statutes is amended to read:

9 29.971 **(1g)** For failure to hold a valid approval as required under this chapter
10 for which a court imposes a penalty under sub. (1) (a) to (e) or (5m), by the payment
11 of a natural resources restitution ~~payment~~ surcharge equal to the amount of the
12 statutory fee for the approval that was required and that should have been obtained.

13 **SECTION 52.** 29.971 (2) (c) of the statutes is amended to read:

14 29.971 **(2)** (c) By the payment of a natural resources restitution ~~payment~~
15 surcharge equal to the amount of the statutory fee for the approval which was
16 required and should have been obtained.

17 **SECTION 53.** 29.983 (title) of the statutes is amended to read:

18 **29.983** (title) **Wild animal protection assessments surcharges.**

19 **SECTION 54.** 29.983 (1) (a) of the statutes is amended to read:

20 29.983 **(1)** (a) If a court imposes a fine or forfeiture for a violation of a provision
21 of this chapter or an order issued under this chapter for the unlawful killing,
22 wounding, catching, taking, trapping, or possession of a wild animal specified in par.
23 (b), or any part of such a wild animal, the court may impose a wild animal protection
24 assessment surcharge under ch. 814 that equals the amount specified for the wild
25 animal under par. (b).

ASSEMBLY BILL 421**SECTION 55**

1 **SECTION 55.** 29.983 (1) (b) (intro.) of the statutes is amended to read:

2 29.983 (1) (b) (intro.) The amount of the wild animal protection assessment
3 surcharge imposed under ch. 814 shall be as follows:

4 **SECTION 56.** 29.983 (1) (d) of the statutes is amended to read:

5 29.983 (1) (d) If a fine or forfeiture is suspended in whole or in part, the wild
6 animal protection assessment surcharge shall be reduced in proportion to the
7 suspension.

8 **SECTION 57.** 29.983 (1) (e) of the statutes is amended to read:

9 29.983 (1) (e) If any deposit is made for an offense to which this section applies,
10 the person making the deposit shall also deposit a sufficient amount to include the
11 wild animal protection assessment required surcharge under this section. If the
12 deposit is forfeited, the amount of the wild animal protection assessment surcharge
13 shall be transmitted to the state treasurer under par. (f). If the deposit is returned,
14 the wild animal protection assessment surcharge shall also be returned.

15 **SECTION 58.** 29.983 (1) (f) of the statutes is amended to read:

16 29.983 (1) (f) The clerk of the court shall collect and transmit to the county
17 treasurer the wild animal protection assessment surcharge and other amounts
18 required under s. 59.40 (2) (m). The county treasurer shall then make payment to
19 the state treasurer as provided in s. 59.25 (3) (f) 2.

20 **SECTION 59.** 29.983 (2) (title) of the statutes is amended to read:

21 29.983 (2) (title) DEPOSIT OF WILD ANIMAL PROTECTION ASSESSMENT SURCHARGE
22 FUNDS.

23 **SECTION 60.** 29.985 of the statutes is amended to read:

24 **29.985 Fishing shelter removal assessment surcharge.** (1) LEVY OF
25 FISHING SHELTER REMOVAL ASSESSMENT SURCHARGE. (a) If a court imposes a forfeiture

ASSEMBLY BILL 421

1 under s. 29.404 (3), the court shall impose a fishing shelter removal ~~assessment~~
2 surchage under ch. 814 equal to the costs that should have been reimbursed under
3 s. 29.404 (2).

4 (b) If a forfeiture is suspended in whole or in part, the fishing shelter removal
5 ~~assessment~~ surchage shall be reduced in proportion to the suspension unless the
6 court directs otherwise.

7 (c) If any deposit is made for an offense to which this section applies, the person
8 making the deposit shall also deposit a sufficient amount to include the fishing
9 shelter removal ~~assessment prescribed in~~ surchage under this section. If the
10 deposit is forfeited, the amount of the fishing shelter removal ~~assessment~~ surchage
11 shall be transmitted to the state treasurer under par. (d). If the deposit is returned,
12 the fishing shelter removal ~~assessment~~ surchage shall also be returned.

13 (d) The clerk of the court shall collect and transmit to the county treasurer the
14 fishing shelter removal ~~assessment~~ surchage and other amounts required under s.
15 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer
16 as provided in s. 59.25 (3) (f) 2.

17 **(2) USE OF FISHING SHELTER REMOVAL ASSESSMENTS SURCHARGES FUNDS.** All
18 moneys collected from fishing shelter removal ~~assessments~~ surcharges shall be
19 deposited in the conservation fund.

20 **SECTION 61.** 29.987 of the statutes is amended to read:

21 **29.987 Natural resources ~~assessments~~ surchage.** (1) LEVY OF NATURAL
22 RESOURCES ASSESSMENT SURCHARGE. (a) If a court imposes a fine or forfeiture for a
23 violation of a provision of this chapter or an order issued under this chapter, the court
24 shall impose a natural resources ~~assessment~~ surchage under ch. 814 equal to 75%
25 of the amount of the fine or forfeiture.

ASSEMBLY BILL 421**SECTION 61**

1 (b) If a fine or forfeiture is suspended in whole or in part, the natural resources
2 assessment surcharge shall be reduced in proportion to the suspension.

3 (c) If any deposit is made for an offense to which this section applies, the person
4 making the deposit shall also deposit a sufficient amount to include the natural
5 resources assessment ~~prescribed in~~ surcharge under this section. If the deposit is
6 forfeited, the amount of the natural resources assessment surcharge shall be
7 transmitted to the state treasurer under par. (d). If the deposit is returned, the
8 natural resources assessment surcharge shall also be returned.

9 (d) The clerk of the court shall collect and transmit to the county treasurer the
10 natural resources assessment surcharge and other amounts required under s. 59.40
11 (2) (m). The county treasurer shall then make payment to the state treasurer as
12 provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the
13 natural resources assessment surcharge in the conservation fund.

14 **(2) USE OF NATURAL RESOURCES ASSESSMENT SURCHARGE FUNDS.** All moneys
15 collected from natural resources assessments surcharges shall be credited to the
16 appropriation under s. 20.370 (3) (mu).

17 **SECTION 62.** 29.989 of the statutes is amended to read:

18 **29.989 Natural resources restitution payments surcharge.** (1) LEVY OF
19 NATURAL RESOURCES RESTITUTION PAYMENT SURCHARGE. (a) If a court imposes a fine or
20 forfeiture for a violation of a provision of this chapter or an order issued under this
21 chapter where the payment of a natural resources restitution ~~payment~~ surcharge is
22 required, the court shall impose a natural resources restitution ~~payment~~ surcharge
23 under ch. 814 equal to the amount of the statutory fee for the approval which was
24 required and should have been obtained.

ASSEMBLY BILL 421

1 (b) If a fine or forfeiture is suspended in whole or in part, the natural resources
2 restitution payment surcharges shall be reduced in proportion to the suspension
3 unless the court directs otherwise.

4 (c) If any deposit is made for an offense to which this section applies, the person
5 making the deposit shall also deposit a sufficient amount to include the natural
6 resources restitution payment ~~prescribed in~~ surcharges under this section. If the
7 deposit is forfeited, the amount of the natural resources restitution payment
8 surcharges shall be transmitted to the state treasurer under par. (d). If the deposit
9 is returned, the natural resources restitution payment surcharges shall also be
10 returned.

11 (d) The clerk of the court shall collect and transmit to the county treasurer the
12 natural resources restitution payment surcharges and other amounts required under
13 s. 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer
14 as provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the
15 natural resources restitution payment surcharges in the conservation fund.

16 **(2) USE OF NATURAL RESOURCES RESTITUTION PAYMENT SURCHARGE FUNDS.** All
17 moneys collected from natural resources restitution payments surcharges shall be
18 appropriated for use under s. 20.370 (3) (mu).

19 **SECTION 63.** 48.37 of the statutes is amended to read:

20 **48.37 Costs and fees. (1)** A court assigned to exercise jurisdiction under this
21 chapter and ch. 938 may not ~~assess costs or assessments~~ impose costs, fees, or
22 surcharges under ch. 814 against a child under 14 years of age but may ~~assess costs~~
23 impose costs, fees, and surcharges under ch. 814 against a child 14 years of age or
24 older.

ASSEMBLY BILL 421**SECTION 63**

1 **(2)** Notwithstanding sub. (1), ~~no costs, penalty assessments or jail assessments~~
2 ~~fees, or surcharges~~ may be assessed imposed under ch. 814 against any child in a
3 circuit court exercising jurisdiction under s. 48.16.

4 **SECTION 64.** 59.25 (3) (f) 1. of the statutes is amended to read:

5 59.25 **(3)** (f) 1. Except as provided in subd. 2., transmit to the state treasurer
6 at the time required by law to pay the state taxes a particular statement, certified
7 by the county treasurer's personal signature affixed or attached thereto, of all
8 moneys received by him or her during the preceding year and which are payable to
9 the state treasurer for licenses, fines, ~~penalties~~ forfeitures, or on any other account,
10 and at the same time pay to the state treasurer the amount thereof after deducting
11 the legal fees.

12 **SECTION 65.** 59.25 (3) (f) 2. of the statutes is amended to read:

13 59.25 **(3)** (f) 2. For all court imposed fines and forfeitures, plus costs, fees, and
14 surcharges imposed under ch. 814, required by law to be deposited in the state
15 treasury, ~~the amounts required by s. 757.05 for the penalty assessment surcharge,~~
16 ~~the amounts required by s. 165.755 for the crime laboratories and drug law~~
17 ~~enforcement assessment, the amounts required by s. 167.31 (5) for the weapons~~
18 ~~assessment, the amounts required by s. 973.045 for the crime victim and witness~~
19 ~~assistance surcharge, the amounts required by s. 938.34 (8d) for the delinquency~~
20 ~~victim and witness assistance surcharge, the amounts required by s. 973.046 for the~~
21 ~~deoxyribonucleic acid analysis surcharge, the amounts required by s. 961.41 (5) for~~
22 ~~the drug abuse program improvement surcharge, the amounts required by s. 100.261~~
23 ~~for the consumer protection assessment, the amounts authorized by s. 971.37 (1m)~~
24 ~~(c) 1. or required by s. 973.055 (1) for the domestic abuse assessment, the amounts~~
25 ~~required by s. 253.06 (4) (c) for the enforcement assessment under the supplemental~~

ASSEMBLY BILL 421

1 food program for women, infants and children, the amounts required by s. 349.04 for
2 the truck driver education assessment, the amounts required by ss. 346.177, 346.495
3 and 346.65 (4r) for the railroad crossing improvement assessment, the amounts
4 required by s. 346.655 (2) (a) and (b) for the driver improvement surcharge, the
5 amounts required by s. 102.85 (4) for the uninsured employer assessment, the
6 amounts required by s. 299.93 for the environmental assessment, the amounts
7 required by s. 29.983 for the wild animal protection assessment, the amounts
8 required by ss. 29.987 and 169.46 (1) for the natural resources assessment surcharge,
9 the amounts required by s. 29.985 for the fishing shelter removal assessment, the
10 amounts required by s. 350.115 for the snowmobile registration restitution payment,
11 and the amounts required by ss. 29.989 and 169.46 (2) for natural resources
12 restitution payments, transmit to the state treasurer a statement of all moneys
13 required by law to be paid on the actions entered during the preceding month on or
14 before the first day of the next succeeding month, certified by the county treasurer's
15 personal signature affixed or attached thereto, and at the same time pay to the state
16 treasurer the amount thereof of the money transmitted.

17 **SECTION 66.** 59.25 (3) (j) of the statutes is amended to read:

18 59.25 (3) (j) Retain 10% for fees in receiving and paying into the state treasury
19 all money received by the treasurer for the state for fines and penalties forfeitures,
20 except that 50% of the state forfeitures, and fines and penalties under chs. 341 to 347,
21 349, and 351 shall be retained as fees, and retain the other fees for receiving and
22 paying money into the state treasury that are prescribed by law.

23 **SECTION 67.** 59.25 (3) (k) of the statutes is amended to read:

ASSEMBLY BILL 421**SECTION 67**

1 59.25 **(3)** (k) Forward 40% of the state forfeitures, and fines and penalties
2 under ch. 348 to the state treasurer for deposit in the transportation fund under s.
3 25.40 (1) (ig).

4 **SECTION 68.** 59.40 (2) (m) of the statutes is amended to read:

5 59.40 **(2)** (m) Pay monthly to the treasurer for the use of the state the state's
6 percentage of the costs, fees, and surcharges imposed under ch. 814 that are required
7 to be paid on each civil action, criminal action, and special proceeding filed during
8 the preceding month and pay monthly to the treasurer for the use of the state the
9 percentage of court imposed fines and forfeitures that are required by law to be
10 deposited in the state treasury, ~~the amounts required by s. 757.05 for the penalty~~
11 ~~assessment surcharge, the amounts required by s. 165.755 for the crime laboratories~~
12 ~~and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the~~
13 ~~weapons assessment, the amounts required by s. 973.045 for the crime victim and~~
14 ~~witness assistance surcharge, the amounts required by s. 938.34 (8d) for the~~
15 ~~delinquency victim and witness assistance surcharge, the amounts required by s.~~
16 ~~973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by~~
17 ~~s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts~~
18 ~~required by s. 100.261 for the consumer protection assessment, the amounts~~
19 ~~authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 for the domestic abuse~~
20 ~~assessment surcharge, the amounts required by s. 253.06 (4) (c) for the enforcement~~
21 ~~assessment under the supplemental food program for women, infants and children,~~
22 ~~the amounts required by s. 349.04 for the truck driver education assessment, the~~
23 ~~amounts required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing~~
24 ~~improvement assessment, the amounts required by s. 346.655 for the driver~~
25 ~~improvement surcharge, the amounts required by s. 102.85 (4) for the uninsured~~

ASSEMBLY BILL 421

1 ~~employer assessment, the amounts required by s. 299.93 for the environmental~~
2 ~~assessment, the amounts required under s. 29.983 for the wild animal protection~~
3 ~~assessment, the amounts required under ss. 29.987 (1) (d) and 169.46 (1) (d) for the~~
4 ~~natural resources assessment surcharge, the amounts required by s. 29.985 for the~~
5 ~~fishing shelter removal assessment, the amounts required by s. 350.115 for the~~
6 ~~snowmobile registration restitution payment, and the amounts required under ss.~~
7 ~~29.989 (1) (d) and 169.46 (2) (d) for the natural resources restitution payments. The~~
8 ~~payments shall be made by the 15th day of the month following receipt thereof of the~~
9 ~~payments.~~

10 **SECTION 69.** 66.0113 (1) (b) 7. c. of the statutes is amended to read:

11 66.0113 (1) (b) 7. c. That, if the alleged violator makes a cash deposit and does
12 not appear in court, he or she either will be deemed to have tendered a plea of no
13 contest and submitted to a forfeiture, ~~a penalty assessment imposed by s. 757.05, a~~
14 ~~jail assessment imposed by s. 302.46 (1), a crime laboratories and drug law~~
15 ~~enforcement assessment imposed by s. 165.755, any applicable consumer protection~~
16 ~~assessment imposed by s. 100.261, and any applicable domestic abuse assessment~~
17 ~~imposed by s. 973.055 (1) plus costs, fees, and surcharges imposed under ch. 814, not~~
18 ~~to exceed the amount of the deposit or will be summoned into court to answer the~~
19 ~~complaint if the court does not accept the plea of no contest.~~

20 **SECTION 70.** 66.0113 (1) (b) 7. d. of the statutes is amended to read:

21 66.0113 (1) (b) 7. d. That, if the alleged violator does not make a cash deposit
22 and does not appear in court at the time specified, the court may issue a summons
23 or a warrant for the defendant's arrest or consider the nonappearance to be a plea
24 of no contest and enter judgment under sub. (3) (d), or the municipality may
25 commence an action against the alleged violator to collect the forfeiture, ~~the penalty~~

ASSEMBLY BILL 421**SECTION 70**

1 ~~assessment imposed by s. 757.05, the jail assessment imposed by s. 302.46 (1), the~~
2 ~~crime laboratories and drug law enforcement assessment imposed by s. 165.755, any~~
3 ~~applicable consumer protection assessment imposed by s. 100.261, and any~~
4 ~~applicable domestic abuse assessment imposed by s. 973.055 (1) plus costs, fees, and~~
5 ~~surcharges imposed under ch. 814.~~

6 **SECTION 71.** 66.0113 (1) (c) of the statutes is amended to read:

7 66.0113 (1) (c) An ordinance adopted under par. (a) shall contain a schedule of
8 cash deposits that are to be required for the various ordinance violations, ~~and for the~~
9 ~~penalty assessment imposed by s. 757.05, the jail assessment imposed by s. 302.46~~
10 ~~(1), the crime laboratories and drug law enforcement assessment imposed by s.~~
11 ~~165.755, any applicable consumer protection assessment imposed by s. 100.261, and~~
12 ~~any applicable domestic abuse assessment imposed by s. 973.055 (1), plus costs, fees,~~
13 ~~and surcharges imposed under ch. 814, for which a citation may be issued. The~~
14 ordinance shall also specify the court, clerk of court, or other official to whom cash
15 deposits are to be made and shall require that receipts be given for cash deposits.

16 **SECTION 72.** 66.0113 (3) (a) of the statutes is amended to read:

17 66.0113 (3) (a) The person named as the alleged violator in a citation may
18 appear in court at the time specified in the citation or may mail or deliver personally
19 a cash deposit in the amount, within the time, and to the court, clerk of court, or other
20 official specified in the citation. If a person makes a cash deposit, the person may
21 nevertheless appear in court at the time specified in the citation, but the cash deposit
22 may be retained for application against any forfeiture, or restitution, ~~penalty~~
23 ~~assessment, jail assessment, crime laboratories and drug law enforcement~~
24 ~~assessment, consumer protection assessment, or domestic abuse assessment plus~~
25 ~~costs, fees, and surcharges imposed under ch. 814 that may be imposed.~~

ASSEMBLY BILL 421

1 **SECTION 73.** 66.0113 (3) (b) of the statutes is amended to read:

2 66.0113 (3) (b) If a person appears in court in response to a citation, the citation
3 may be used as the initial pleading, unless the court directs that a formal complaint
4 be made, and the appearance confers personal jurisdiction over the person. The
5 person may plead guilty, no contest, or not guilty. If the person pleads guilty or no
6 contest, the court shall accept the plea, enter a judgment of guilty, and impose a
7 forfeiture, ~~the penalty assessment imposed by s. 757.05, the jail assessment imposed~~
8 ~~by s. 302.46 (1), the crime laboratories and drug law enforcement assessment~~
9 ~~imposed by s. 165.755, any applicable consumer protection assessment imposed by~~
10 ~~s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1)~~
11 plus costs, fees, and surcharges imposed under ch. 814. If the court finds that the
12 violation meets the conditions in s. 800.093 (1), the court may order restitution under
13 s. 800.093. A plea of not guilty shall put all matters in the case at issue, and the
14 matter shall be set for trial.

15 **SECTION 74.** 66.0113 (3) (c) of the statutes is amended to read:

16 66.0113 (3) (c) If the alleged violator makes a cash deposit and fails to appear
17 in court, the citation may serve as the initial pleading and the violator shall be
18 considered to have tendered a plea of no contest and submitted to a forfeiture, ~~the~~
19 ~~penalty assessment imposed by s. 757.05, the jail assessment imposed by s. 302.46~~
20 ~~(1), the crime laboratories and drug law enforcement assessment imposed by s.~~
21 ~~165.755, any applicable consumer protection assessment imposed by s. 100.261, and~~
22 ~~any applicable domestic abuse assessment imposed by s. 973.055 (1) plus costs, fees,~~
23 ~~and surcharges imposed under ch. 814,~~ not exceeding the amount of the deposit. The
24 court may either accept the plea of no contest and enter judgment accordingly or
25 reject the plea. If the court finds that the violation meets the conditions in s. 800.093

ASSEMBLY BILL 421**SECTION 74**

1 (1), the court may summon the alleged violator into court to determine if restitution
2 shall be ordered under s. 800.093. If the court accepts the plea of no contest, the
3 defendant may move within 10 days after the date set for the appearance to
4 withdraw the plea of no contest, open the judgment, and enter a plea of not guilty if
5 the defendant shows to the satisfaction of the court that the failure to appear was due
6 to mistake, inadvertence, surprise, or excusable neglect. If the plea of no contest is
7 accepted and not subsequently changed to a plea of not guilty, no additional costs or,
8 fees, or surcharges may be taxed imposed against the violator, ~~but a penalty~~
9 ~~assessment, a jail assessment, a crime laboratories and drug law enforcement~~
10 ~~assessment and, if applicable, a consumer protection assessment or a domestic abuse~~
11 ~~assessment shall be assessed under s. 814.78.~~ If the court rejects the plea of no
12 contest, an action for collection of the forfeiture, ~~penalty assessment, jail assessment,~~
13 ~~crime laboratories and drug law enforcement assessment, any applicable consumer~~
14 ~~protection assessment, and any applicable domestic abuse assessment~~ plus costs,
15 fees, and surcharges imposed under ch. 814, may be commenced. A city, village, town
16 sanitary district, or public inland lake protection and rehabilitation district may
17 commence action under s. 66.0114 (1) and a county or town may commence action
18 under s. 778.10. The citation may be used as the complaint in the action for the
19 collection of the forfeiture, ~~penalty assessment, jail assessment, crime laboratories~~
20 ~~and drug law enforcement assessment, any applicable consumer protection~~
21 ~~assessment, and any applicable domestic abuse assessment~~ plus costs, fees, and
22 surcharges imposed under ch. 814.

23 **SECTION 75.** 66.0113 (3) (d) of the statutes is amended to read:

24 66.0113 (3) (d) If the alleged violator does not make a cash deposit and fails to
25 appear in court at the time specified in the citation, the court may issue a summons

ASSEMBLY BILL 421

1 or warrant for the defendant's arrest or consider the nonappearance to be a plea of
2 no contest and enter judgment accordingly if service was completed as provided
3 under par. (e) or the county, town, city, village, town sanitary district, or public inland
4 lake protection and rehabilitation district may commence an action for collection of
5 the forfeiture, ~~penalty assessment, jail assessment, and crime laboratories and drug~~
6 ~~law enforcement assessment, any applicable consumer protection assessment, and~~
7 ~~any applicable domestic abuse assessment~~ plus costs, fees, and surcharges imposed
8 under ch. 814. A city, village, town sanitary district, or public inland lake protection
9 and rehabilitation district may commence action under s. 66.0114 (1) and a county
10 or town may commence action under s. 778.10. The citation may be used as the
11 complaint in the action for the collection of the forfeiture, ~~penalty assessment, jail~~
12 ~~assessment, and crime laboratories and drug law enforcement assessment, any~~
13 ~~applicable consumer protection assessment, and any applicable domestic abuse~~
14 ~~assessment~~ plus costs, fees, and surcharges imposed under ch. 814. If the court
15 considers the nonappearance to be a plea of no contest and enters judgment
16 accordingly, the court shall promptly mail a copy or notice of the judgment to the
17 defendant. The judgment shall allow the defendant not less than 20 days from the
18 date of the judgment to pay any forfeiture, ~~penalty assessment, jail assessment, and~~
19 ~~crime laboratories and drug law enforcement assessment, any applicable consumer~~
20 ~~protection assessment, and any applicable domestic abuse assessment~~ plus costs,
21 fees, and surcharges imposed under ch. 814. If the defendant moves to open the
22 judgment within 6 months after the court appearance date fixed in the citation, and
23 shows to the satisfaction of the court that the failure to appear was due to mistake,
24 inadvertence, surprise, or excusable neglect, the court shall reopen the judgment,
25 accept a not guilty plea and set a trial date.

ASSEMBLY BILL 421**SECTION 76**

1 **SECTION 76.** 66.0114 (1) (b) of the statutes is amended to read:

2 66.0114 **(1)** (b) Local ordinances, except as provided in this paragraph or ss.
3 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any
4 or all violations under those ordinances, may designate the manner in which the
5 stipulation is to be made, and may fix the penalty to be paid. When a person charged
6 with a violation for which stipulation of guilt or no contest is authorized makes a
7 timely stipulation, and pays the required penalty ~~and pays the penalty assessment~~
8 ~~imposed by s. 757.05, the jail assessment imposed by s. 302.46 (1), the crime~~
9 ~~laboratories and drug law enforcement assessment imposed by s. 165.755, any~~
10 ~~applicable consumer protection assessment imposed by s. 100.261, and any~~
11 ~~applicable domestic abuse assessment imposed by s. 973.055 (1), plus costs, fees, and~~
12 surcharges imposed under ch. 814, to the designated official, the person need not
13 appear in court and no witness fees or other additional costs, fees, or surcharges may
14 be ~~taxed~~ imposed under ch. 814 unless the local ordinance so provides. A court
15 appearance is required for a violation of a local ordinance in conformity with s. 346.63
16 (1).

17 **SECTION 77.** 66.0114 (1) (bm) of the statutes is amended to read:

18 66.0114 **(1)** (bm) The official receiving the penalties shall remit all moneys
19 collected to the treasurer of the city, village, town sanitary district, or public inland
20 lake protection and rehabilitation district in whose behalf the sum was paid, except
21 that all jail assessments surcharges imposed under ch. 814 shall be remitted to the
22 county treasurer, within 20 days after ~~its~~ their receipt by the official. If timely
23 remittance is not made, the treasurer may collect the payment of the officer by action,
24 in the name of the office, and upon the official bond of the officer, with interest at the
25 rate of 12% per year from the date on which it was due. In the case of ~~the penalty~~

ASSEMBLY BILL 421

1 ~~assessment imposed by s. 757.05, the crime laboratories and drug law enforcement~~
2 ~~assessment imposed by s. 165.755, the driver improvement surcharge imposed by s.~~
3 ~~346.655 (1), the truck driver education assessment imposed by s. 349.04, any~~
4 ~~applicable consumer protection assessment imposed by s. 100.261, and any~~
5 ~~applicable domestic abuse assessment imposed by s. 973.055 (1) any other costs, fees,~~
6 ~~and surcharges imposed under ch. 814,~~ the treasurer of the city, village, town
7 sanitary district, or public inland lake protection and rehabilitation district shall
8 remit to the state treasurer the amount required by law to be paid on the actions
9 entered during the preceding month on or before the first day of the next succeeding
10 month. The governing body of the city, village, town sanitary district, or public
11 inland lake protection and rehabilitation district shall by ordinance designate the
12 official to receive the penalties and the terms under which the official qualifies.

13 **SECTION 78.** 100.261 (title) of the statutes is amended to read:

14 **100.261 (title) Consumer protection assessment surcharge.**

15 **SECTION 79.** 100.261 (1) of the statutes is amended to read:

16 100.261 (1) If a court imposes a fine or forfeiture for a violation of this chapter,
17 ch. 98, a rule promulgated under this chapter or ch. 98, or an ordinance enacted
18 under this chapter or ch. 98, the court shall also impose a consumer protection
19 ~~assessment~~ surcharge under ch. 814 in an amount equal to 25% of the fine or
20 forfeiture imposed. If multiple violations are involved, the court shall base the
21 consumer protection ~~assessment~~ surcharge upon the ~~the~~ total of the fine or forfeiture
22 amounts for all violations. If a fine or forfeiture is suspended in whole or in part, the
23 court shall reduce the ~~assessment~~ surcharge in proportion to the suspension.

24 **SECTION 80.** 100.261 (2) of the statutes is amended to read:

ASSEMBLY BILL 421**SECTION 80**

1 100.261 (2) If any deposit is made for a violation to which this section applies,
2 the person making the deposit shall also deposit a sufficient amount to include the
3 consumer protection ~~assessment required~~ surcharge under this section. If the
4 deposit is forfeited, the amount of the consumer protection ~~assessment~~ surcharge
5 shall be transmitted to the state treasurer under sub. (3). If the deposit is returned,
6 the consumer protection ~~assessment~~ surcharge shall also be returned.

7 **SECTION 81.** 100.261 (3) (a) of the statutes is amended to read:

8 100.261 (3) (a) The clerk of court shall collect and transmit the consumer
9 protection ~~assessment amounts~~ surcharges imposed under ch. 814 to the county
10 treasurer under s. 59.40 (2) (m). The county treasurer shall then make payment to
11 the state treasurer under s. 59.25 (3) (f) 2.

12 **SECTION 82.** 100.261 (3) (b) of the statutes is amended to read:

13 100.261 (3) (b) The state treasurer shall deposit the consumer protection
14 ~~assessment amounts~~ surcharges imposed under ch. 814 in the general fund and shall
15 credit them to the appropriation account under s. 20.115 (1) (jb), subject to the limit
16 under par. (c).

17 **SECTION 83.** 102.01 (2) (i) of the statutes is renumbered 102.01 (2) (jm) and
18 amended to read:

19 102.01 (2) (jm) “Uninsured employer ~~assessment~~ surcharge” means the
20 ~~assessment imposed~~ surcharge under s. 102.85 (4).

21 **SECTION 84.** 102.80 (1) (b) of the statutes is amended to read:

22 102.80 (1) (b) Uninsured employer ~~assessments~~ surcharges collected under s.
23 102.85 (4).

24 **SECTION 85.** 102.85 (4) of the statutes is amended to read:

ASSEMBLY BILL 421

1 102.85 (4) (a) If a court imposes a fine or forfeiture under subs. (1) to (3), the
2 court shall impose under ch. 814 an uninsured employer ~~assessment~~ surcharge equal
3 to 75% of the amount of the fine or forfeiture.

4 (b) If a fine or forfeiture is suspended in whole or in part, the uninsured
5 employer ~~assessment~~ surcharge shall be reduced in proportion to the suspension.

6 (c) If any deposit is made for an offense to which this section applies, the person
7 making the deposit shall also deposit a sufficient amount to include the uninsured
8 employer ~~assessment prescribed in~~ surcharge under this section. If the deposit is
9 forfeited, the amount of the uninsured employer ~~assessment~~ surcharge shall be
10 transmitted to the state treasurer under par. (d). If the deposit is returned, the
11 uninsured employer ~~assessment~~ surcharge shall also be returned.

12 (d) The clerk of the court shall collect and transmit to the county treasurer the
13 uninsured employer ~~assessment~~ surcharge and other amounts required under s.
14 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer
15 as provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the
16 uninsured employer ~~assessment~~ surcharge, together with any interest thereon, in
17 the uninsured employers fund as provided in s. 102.80 (1).

18 **SECTION 86.** 102.85 (5) (a) of the statutes is amended to read:

19 102.85 (5) (a) The payment of any judgment under this section may be
20 suspended or deferred for not more than 90 days in the discretion of the court. The
21 court shall suspend a judgment under this section upon the motion of the
22 department, if the department is satisfied that the employer's violation of s. 102.16
23 (3) or 102.28 (2) was beyond the employer's control and that the employer no longer
24 violates s. 102.16 (3) or 102.28 (2). In cases where a deposit has been made, any
25 forfeitures, ~~penalty assessments, jail assessments, uninsured employer assessments~~

ASSEMBLY BILL 421**SECTION 86**

1 surcharges, fees, and costs imposed under ch. 814 shall be taken out of the deposit
2 and the balance, if any, returned to the employer.

3 **SECTION 87.** 102.87 (2) (e) of the statutes is amended to read:

4 102.87 (2) (e) The maximum forfeiture, ~~penalty assessment, jail assessment,~~
5 ~~crime laboratories and drug law enforcement assessment and any applicable~~
6 ~~uninsured employer assessment~~ plus costs, fees, and surcharges imposed under ch.
7 814, for which the defendant is liable.

8 **SECTION 88.** 102.87 (2) (g) of the statutes is amended to read:

9 102.87 (2) (g) Notice that if the defendant makes a deposit and fails to appear
10 in court at the time specified in the citation, the failure to appear will be considered
11 tender of a plea of no contest and submission to a forfeiture, ~~penalty assessment, jail~~
12 ~~assessment, crime laboratories and drug law enforcement assessment and any~~
13 ~~applicable uninsured employer assessment~~ plus costs, fees, and surcharges imposed
14 under ch. 814, not to exceed the amount of the deposit. The notice shall also state
15 that the court, instead of accepting the deposit and plea, may decide to summon the
16 defendant or may issue an arrest warrant for the defendant upon failure to respond
17 to a summons.

18 **SECTION 89.** 102.87 (2) (h) of the statutes is amended to read:

19 102.87 (2) (h) Notice that if the defendant makes a deposit and signs the
20 stipulation, the stipulation will be treated as a plea of no contest and submission to
21 a forfeiture, ~~penalty assessment, jail assessment, crime laboratories and drug law~~
22 ~~enforcement assessment and any applicable uninsured employer assessment~~ plus
23 costs, fees, and surcharges imposed under ch. 814, not to exceed the amount of the
24 deposit. The notice shall also state that the court, instead of accepting the deposit
25 and stipulation, may decide to summon the defendant or issue an arrest warrant for

ASSEMBLY BILL 421

1 the defendant upon failure to respond to a summons, and that the defendant may,
2 at any time before or at the time of the court appearance date, move the court for
3 relief from the effect of the stipulation.

4 **SECTION 90.** 102.87 (3) of the statutes is amended to read:

5 102.87 (3) A defendant issued a citation under this section may deposit the
6 amount of money that the issuing department deputy or officer directs by mailing or
7 delivering the deposit and a copy of the citation before the court appearance date to
8 the clerk of the circuit court in the county where the violation occurred, to the
9 department, or to the sheriff's office or police headquarters of the officer who issued
10 the citation. The basic amount of the deposit shall be determined under a deposit
11 schedule established by the judicial conference. The judicial conference shall
12 annually review and revise the schedule. In addition to the basic amount determined
13 by the schedule, the deposit shall include the ~~penalty assessment, jail assessment,~~
14 ~~crime laboratories and drug law enforcement assessment, any applicable uninsured~~
15 ~~employer assessment and costs, fees, and surcharges imposed under ch. 814.~~

16 **SECTION 91.** 102.87 (5) of the statutes is amended to read:

17 102.87 (5) Except as provided by sub. (6), a person receiving a deposit shall
18 prepare a receipt in triplicate showing the purpose for which the deposit is made,
19 stating that the defendant may inquire at the office of the clerk of the circuit court
20 regarding the disposition of the deposit, and notifying the defendant that if he or she
21 fails to appear in court at the time specified in the citation he or she shall be
22 considered to have tendered a plea of no contest and submitted to a forfeiture,
23 ~~penalty assessment, jail assessment, crime laboratories and drug law enforcement~~
24 ~~assessment and any applicable uninsured employer assessment plus costs, fees, and~~
25 ~~surcharges imposed under ch. 814,~~ not to exceed the amount of the deposit and that

ASSEMBLY BILL 421**SECTION 91**

1 the court may accept the plea. The original of the receipt shall be delivered to the
2 defendant in person or by mail. If the defendant pays by check, the canceled check
3 is the receipt.

4 **SECTION 92.** 102.87 (6) of the statutes is amended to read:

5 102.87 (6) The person receiving a deposit and stipulation of no contest shall
6 prepare a receipt in triplicate showing the purpose for which the deposit is made,
7 stating that the defendant may inquire at the office of the clerk of the circuit court
8 regarding the disposition of the deposit, and notifying the defendant that if the
9 stipulation of no contest is accepted by the court the defendant will be considered to
10 have submitted to a forfeiture, ~~penalty assessment, jail assessment, crime~~
11 ~~laboratories and drug law enforcement assessment and applicable uninsured~~
12 ~~employer assessment plus costs, fees, and surcharges imposed under ch. 814,~~ not to
13 exceed the amount of the deposit. Delivery of the receipt shall be made in the same
14 manner as provided in sub. (5).

15 **SECTION 93.** 102.87 (7) (b) of the statutes is amended to read:

16 102.87 (7) (b) If the defendant has made a deposit, the citation may serve as
17 the initial pleading and the defendant shall be considered to have tendered a plea
18 of no contest and submitted to a forfeiture, ~~penalty assessment, jail assessment,~~
19 ~~crime laboratories and drug law enforcement assessment and any applicable~~
20 ~~uninsured employer assessment plus costs, fees, and surcharges imposed under ch.~~
21 814, not to exceed the amount of the deposit. The court may either accept the plea
22 of no contest and enter judgment accordingly, or reject the plea and issue a summons.
23 If the defendant fails to appear in response to the summons, the court shall issue an
24 arrest warrant. If the court accepts the plea of no contest, the defendant may, within
25 90 days after the date set for appearance, move to withdraw the plea of no contest,

ASSEMBLY BILL 421

1 open the judgment, and enter a plea of not guilty if the defendant shows to the
2 satisfaction of the court that failure to appear was due to mistake, inadvertence,
3 surprise, or excusable neglect. If a defendant is relieved from the plea of no contest,
4 the court may order a written complaint or petition to be filed. If on reopening the
5 defendant is found not guilty, the court shall delete the record of conviction and shall
6 order the defendant's deposit returned.

7 **SECTION 94.** 102.87 (7) (c) of the statutes is amended to read:

8 102.87 (7) (c) If the defendant has made a deposit and stipulation of no contest,
9 the citation serves as the initial pleading and the defendant shall be considered to
10 have tendered a plea of no contest and submitted to a forfeiture, ~~penalty assessment,~~
11 ~~jail assessment, crime laboratories and drug law enforcement assessment and any~~
12 ~~applicable uninsured employer assessment~~ plus costs, fees, and surcharges imposed
13 under ch. 814, not to exceed the amount of the deposit. The court may either accept
14 the plea of no contest and enter judgment accordingly, or reject the plea and issue a
15 summons or an arrest warrant. After signing a stipulation of no contest, the
16 defendant may, at any time before or at the time of the court appearance date, move
17 the court for relief from the effect of the stipulation. The court may act on the motion,
18 with or without notice, for cause shown by affidavit and upon just terms, and relieve
19 the defendant from the stipulation and the effects of the stipulation.

20 **SECTION 95.** 102.87 (9) of the statutes is amended to read:

21 102.87 (9) A department deputy or an officer who collects a forfeiture, ~~penalty~~
22 ~~assessment, jail assessment, crime laboratories and drug law enforcement~~
23 ~~assessment, applicable uninsured employer assessment~~ and costs, fees, and
24 surcharges imposed under ch. 814 under this section shall pay the money to the
25 county treasurer within 20 days after its receipt. If the department deputy or officer

ASSEMBLY BILL 421**SECTION 95**

1 fails to make timely payment, the county treasurer may collect the payment from the
2 department deputy or officer by an action in the treasurer's name of office and upon
3 the official bond of the department deputy or officer, with interest at the rate of 12%
4 per year from the time when it should have been paid.

5 **SECTION 96.** 148.04 (3) of the statutes is amended to read:

6 148.04 (3) "Liability" includes the obligation to pay a judgment, settlement,
7 penalty, assessment, forfeiture, or fine, including any excise tax assessed with
8 respect to an employee benefit plan, plus costs, fees, and surcharges imposed under
9 ch. 814, and reasonable expenses.

10 **SECTION 97.** 165.755 (title) of the statutes is amended to read:

11 **165.755 (title) Crime laboratories and drug law enforcement**
12 **assessment surcharge.**

13 **SECTION 98.** 165.755 (1) (a) of the statutes is amended to read:

14 165.755 (1) (a) Except as provided in par. (b), a court shall impose under ch. 814
15 a crime laboratories and drug law enforcement assessment surcharge of \$5 if the
16 court imposes a sentence, places a person on probation, or imposes a forfeiture for a
17 violation of state law or for a violation of a municipal or county ordinance.

18 **SECTION 99.** 165.755 (1) (b) of the statutes is amended to read:

19 165.755 (1) (b) A court may not impose the crime laboratories and drug law
20 enforcement ~~assessment~~ surcharge under par. (a) for a violation of s. 101.123 (2) (a),
21 (am) 1., (ar), (bm), or (br) or (5) (b) or for a violation of a state law or municipal or
22 county ordinance involving a nonmoving traffic violation or a safety belt use violation
23 under s. 347.48 (2m).

24 **SECTION 100.** 165.755 (2) of the statutes is amended to read:

ASSEMBLY BILL 421

1 165.755 (2) If the court under sub. (1) (a) imposes a sentence or forfeiture for
2 multiple offenses or places a person on probation for multiple offenses, a separate
3 crime laboratories and drug law enforcement ~~assessment~~ surchage shall be imposed
4 under ch. 814 for each separate offense.

5 **SECTION 101.** 165.755 (5) of the statutes is amended to read:

6 165.755 (5) If any deposit of bail is made for a noncriminal offense to which sub.
7 (1) (a) applies, the person making the deposit shall also deposit a sufficient amount
8 to include the ~~assessment prescribed in~~ surchage under sub. (1) (a) for forfeited bail.
9 If bail is forfeited, the amount of the ~~assessment~~ surchage under sub. (1) (a) shall
10 be transmitted monthly to the state treasurer under this section. If bail is returned,
11 the ~~assessment~~ surchage shall also be returned.

12 **SECTION 102.** 165.755 (6) of the statutes is amended to read:

13 165.755 (6) If an inmate in a state prison or a person sentenced to a state prison
14 has not paid the crime laboratories and drug law enforcement ~~assessment~~ surchage
15 under sub. (1) (a), the department shall assess and collect the amount owed from the
16 inmate's wages or other moneys. Any amount collected shall be transmitted to the
17 state treasurer.

18 **SECTION 103.** 165.755 (7) of the statutes is amended to read:

19 165.755 (7) All moneys collected from crime laboratories and drug law
20 enforcement ~~assessments~~ surchages under this section shall be deposited by the
21 state treasurer and used as specified in s. 20.455 (2) (kd) and (Lm).

22 **SECTION 104.** 167.31 (5) of the statutes is amended to read:

23 167.31 (5) WEAPONS ASSESSMENT SURCHARGE. (a) If a court imposes a fine or
24 forfeiture for a violation of this section, the court shall also impose a weapons

ASSEMBLY BILL 421**SECTION 104**

1 assessment surcharge under ch. 814 equal to 75% of the amount of the fine or
2 forfeiture.

3 (b) If a fine or forfeiture is suspended in whole or in part, the weapons
4 assessment surcharge shall be reduced in proportion to the suspension.

5 (c) If any deposit is made for an offense to which this subsection applies, the
6 person making the deposit shall also deposit a sufficient amount to include the
7 weapons assessment surcharge under this subsection. If the deposit is forfeited, the
8 amount of the weapons assessment surcharge shall be transmitted to the state
9 treasurer under par. (d). If the deposit is returned, the amount of the weapons
10 assessment surcharge shall also be returned.

11 (d) The clerk of the circuit court shall collect and transmit to the county
12 treasurer the weapons assessment surcharge as required under s. 59.40 (2) (m). The
13 county treasurer shall then pay the state treasurer as provided in s. 59.25 (3) (f) 2.
14 The state treasurer shall deposit all amounts received under this paragraph in the
15 conservation fund to be appropriated under s. 20.370 (3) (mu).

16 **SECTION 105.** 169.46 of the statutes is amended to read:

17 **169.46 Natural resources assessments surcharges and restitution**
18 **payments surcharges. (1) NATURAL RESOURCES ASSESSMENTS SURCHARGES.** (a) If
19 a court imposes a fine or forfeiture for a violation of this chapter or a rule
20 promulgated under this chapter, the court shall impose a natural resources
21 assessment surcharge under ch. 814 equal to 75% of the amount of the fine or
22 forfeiture.

23 (b) If a fine or forfeiture is suspended in whole or in part, the natural resources
24 assessment surcharge shall be reduced in proportion to the suspension.

ASSEMBLY BILL 421

1 (c) If any deposit is made for an offense to which this subsection applies, the
2 person making the deposit shall also deposit a sufficient amount to include the
3 natural resources ~~assessment prescribed in~~ surcharge under this subsection. If the
4 deposit is forfeited, the amount of the natural resources ~~assessment~~ surcharge shall
5 be transmitted to the state treasurer under par. (d). If the deposit is returned, the
6 natural resources ~~assessment~~ surcharge shall also be returned.

7 (d) The clerk of the court shall collect and transmit to the county treasurer the
8 natural resources ~~assessment~~ surcharge and other amounts required under s. 59.40
9 (2) (m). The county treasurer shall then make payment to the state treasurer as
10 provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the
11 natural resources ~~assessment~~ surcharge in the conservation fund.

12 (e) All moneys collected from natural resources ~~assessments~~ surcharges shall
13 be deposited in the conservation fund and credited to the appropriation under s.
14 20.370 (3) (mu).

15 **(2) NATURAL RESOURCES RESTITUTION PAYMENTS SURCHARGES.** (a) If a court
16 imposes a fine or forfeiture for a violation of this chapter for failure to obtain a license
17 required under this chapter, the court shall impose a natural resources restitution
18 ~~payment~~ surcharge under ch. 814 equal to the amount of the fee for the license that
19 was required and should have been obtained.

20 (b) If a fine or forfeiture is suspended in whole or in part, the natural resources
21 restitution ~~payment~~ surcharge shall be reduced in proportion to the suspension
22 unless the court directs otherwise.

23 (c) If any deposit is made for an offense to which this subsection applies, the
24 person making the deposit shall also deposit a sufficient amount to include the
25 natural resources restitution ~~payment prescribed in~~ surcharge under this

ASSEMBLY BILL 421**SECTION 105**

1 subsection. If the deposit is forfeited, the amount of the natural resources restitution
2 ~~payment~~ surcharge shall be transmitted to the state treasurer under par. (d). If the
3 deposit is returned, the natural resources restitution ~~payment~~ surcharge shall also
4 be returned.

5 (d) The clerk of the court shall collect and transmit to the county treasurer the
6 natural resources restitution ~~payment~~ surcharge and other amounts required under
7 s. 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer
8 as provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the
9 natural resources restitution ~~payment~~ surcharge in the conservation fund.

10 (e) All moneys collected from natural resources restitution ~~payments~~
11 surcharges shall be deposited in the conservation fund and credited to the
12 appropriation account under s. 20.370 (3) (mu).

13 **SECTION 106.** 180.0850 (4) of the statutes is amended to read:

14 180.0850 (4) “Liability” includes the obligation to pay a judgment, settlement,
15 ~~penalty, assessment, forfeiture,~~ or fine, including an excise tax assessed with respect
16 to an employee benefit plan, plus costs, fees, and surcharges imposed under ch. 814,
17 and reasonable expenses.

18 **SECTION 107.** 181.0871 (4) of the statutes is amended to read:

19 181.0871 (4) “Liability” includes the obligation to pay a judgment, settlement,
20 ~~penalty, assessment, forfeiture,~~ or fine, including any excise tax assessed with
21 respect to an employee benefit plan, plus costs, fees, and surcharges imposed under
22 ch. 814, and reasonable expenses.

23 **SECTION 108.** 183.0403 (1) (b) of the statutes is amended to read:

24 183.0403 (1) (b) “Liabilities” include the obligation to pay a judgment,
25 settlement, ~~penalty, assessment, forfeiture,~~ or fine, including an excise tax assessed

ASSEMBLY BILL 421

1 with respect to an employee benefit plan, plus costs, fees, and surcharges imposed
2 under ch. 814, and reasonable expenses.

3 **SECTION 109.** 185.034 (4) of the statutes is amended to read:

4 185.034 (4) “Liability” includes the obligation to pay a judgment, settlement,
5 ~~penalty, assessment,~~ forfeiture, or fine, including any excise tax assessed with
6 respect to an employee benefit plan, plus costs, fees, and surcharges imposed under
7 ch. 814, and reasonable expenses.

8 **SECTION 110.** 186.082 (4) of the statutes is amended to read:

9 186.082 (4) “Liability” includes the obligation to pay a judgment, settlement,
10 ~~penalty, assessment,~~ forfeiture, or fine, including any excise tax assessed with
11 respect to an employee benefit plan, plus costs, fees, and surcharges imposed under
12 ch. 814, and reasonable expenses.

13 **SECTION 111.** 187.20 (4) of the statutes is amended to read:

14 187.20 (4) “Liability” includes the obligation to pay a judgment, settlement,
15 ~~penalty, assessment,~~ forfeiture, or fine, including any excise tax assessed with
16 respect to an employee benefit plan, plus costs, fees, and surcharges imposed under
17 ch. 814, and reasonable expenses.

18 **SECTION 112.** 215.512 (3) of the statutes is amended to read:

19 215.512 (3) “Liability” includes the obligation to pay a judgment, settlement,
20 ~~penalty, assessment,~~ forfeiture, or fine, including any excise tax assessed with
21 respect to an employee benefit plan, plus costs, fees, and surcharges imposed under
22 ch. 814, and reasonable expenses.

23 **SECTION 113.** 221.0626 (3) of the statutes is amended to read:

24 221.0626 (3) “Liability” includes the obligation to pay a judgment, settlement,
25 ~~penalty, assessment,~~ forfeiture, or fine, including an excise tax assessed with respect

ASSEMBLY BILL 421**SECTION 113**

1 to an employee benefit plan, plus costs, fees, and surcharges imposed under ch. 814,
2 and reasonable expenses.

3 **SECTION 114.** 221.0626 (3) of the statutes is amended to read:

4 221.0626 (3) “Liability” includes the obligation to pay a judgment, settlement,
5 ~~penalty, assessment, forfeiture,~~ or fine, including an excise tax assessed with respect
6 to an employee benefit plan, plus costs, fees, and surcharges imposed under ch. 814,
7 and reasonable expenses.

8 **SECTION 115.** 253.06 (3) (a) 3. of the statutes is amended to read:

9 253.06 (3) (a) 3. The vendor does not have any outstanding fines, forfeitures,
10 ~~recoupment assessments or enforcement assessments~~ or recoupments, or costs, fees,
11 and surcharges imposed under ch. 814, that were levied against that vendor for a
12 violation of this section or for a violation of rules promulgated under this section.
13 This subdivision does not apply if the vendor has contested the fine, forfeiture, or
14 ~~recoupment assessment or enforcement assessment,~~ or costs, fees, and surcharges
15 imposed under ch. 814, and has not exhausted administrative or judicial review.

16 **SECTION 116.** 253.06 (3m) (a) 2. of the statutes is amended to read:

17 253.06 (3m) (a) 2. The entity does not have any outstanding fines, forfeitures,
18 ~~recoupment assessments or enforcement assessments~~ or recoupments, or costs, fees,
19 and surcharges imposed under ch. 814, that were levied against that entity for a
20 violation of this section or for a violation of rules promulgated under this section.
21 This subdivision does not apply if the entity has contested the fine, forfeiture, or
22 ~~recoupment assessment or enforcement assessment,~~ or costs, fees, and surcharges
23 imposed under ch. 814, and has not exhausted administrative or judicial review.

24 **SECTION 117.** 253.06 (4) (c) 1. of the statutes is amended to read:

ASSEMBLY BILL 421

1 253.06 (4) (c) 1. Whenever a court imposes a fine, forfeiture, or recoupment for
2 a violation of this subsection or imposes a forfeiture or recoupment for a violation of
3 rules promulgated under sub. (5), the court shall also impose ~~an~~ a supplemental food
4 ~~enforcement assessment~~ surcharge under ch. 814 in an amount of 50% of the fine,
5 forfeiture, or recoupment imposed. If multiple offenses are involved, the court shall
6 base the supplemental food enforcement assessment ~~upon~~ surcharge on the total
7 fine, forfeiture, and recoupment amounts for all offenses. When a fine, forfeiture, or
8 recoupment is suspended in whole or in part, the court shall reduce the supplemental
9 food enforcement assessment surcharge in proportion to the suspension.

10 **SECTION 118.** 299.93 of the statutes is amended to read:

11 **299.93 Environmental assessments surcharge. (1)** If a court imposes a
12 fine or forfeiture for a violation of a provision of this chapter or chs. 280 to 285 or 289
13 to 295 or a rule or order issued under this chapter or chs. 280 to 285 or 289 to 295,
14 the court shall impose an environmental assessment surcharge under ch. 814 equal
15 to 10% of the amount of the fine or forfeiture.

16 **(2)** If a fine or forfeiture is suspended in whole or in part, the environmental
17 ~~assessment~~ surcharge shall be reduced in proportion to the suspension.

18 **(3)** If any deposit is made for an offense to which this section applies, the person
19 making the deposit shall also deposit a sufficient amount to include the
20 environmental assessment ~~prescribed in~~ surcharge under this section. If the deposit
21 is forfeited, the amount of the environmental assessment surcharge shall be
22 transmitted to the state treasurer under sub. (4). If the deposit is returned, the
23 environmental assessment surcharge shall also be returned.

24 **(4)** The clerk of the court shall collect and transmit to the county treasurer the
25 environmental assessment surcharge and other amounts required under s. 59.40 (2)

ASSEMBLY BILL 421**SECTION 118**

1 (m). The county treasurer shall then make payment to the state treasurer as
2 provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the
3 ~~assessment~~ surchage in the environmental fund.

4 **SECTION 119.** 302.46 (title) of the statutes is amended to read:

5 **302.46 (title) Jail assessment surcharge.**

6 **SECTION 120.** 302.46 (1) (a) of the statutes is amended to read:

7 302.46 (1) (a) On or after October 1, 1987, if a court imposes a fine or forfeiture
8 for a violation of state law or for a violation of a municipal or county ordinance except
9 for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5) or state laws or
10 municipal or county ordinances involving nonmoving traffic violations or safety belt
11 use violations under s. 347.48 (2m), the court, in addition, shall impose a jail
12 ~~assessment~~ surchage under ch. 814 in an amount of 1% of the fine or forfeiture
13 imposed or \$10, whichever is greater. If multiple offenses are involved, the court
14 shall determine the jail ~~assessment~~ surchage on the basis of each fine or forfeiture.
15 If a fine or forfeiture is suspended in whole or in part, the court shall reduce the jail
16 ~~assessment~~ surchage in proportion to the suspension.

17 **SECTION 121.** 302.46 (1) (b) of the statutes is amended to read:

18 302.46 (1) (b) If a fine or forfeiture is imposed by a court of record, after a
19 determination by the court of the amount due for the jail ~~assessment~~ surchage, the
20 clerk of the court shall collect and transmit the jail ~~assessment~~ surchage to the
21 county treasurer as provided in s. 59.40 (2) (n). The county treasurer shall place the
22 amount in the county jail fund as provided in s. 59.25 (3) (g).

23 **SECTION 122.** 302.46 (1) (c) of the statutes is amended to read:

24 302.46 (1) (c) If a fine or forfeiture is imposed by a municipal court, after a
25 determination by the court of the amount due for the jail ~~assessment~~ surchage, the

ASSEMBLY BILL 421

1 court shall collect and transmit the jail-assessment surcharge to the county treasurer
2 under s. 800.10 (2). The county treasurer shall place the amount in the county jail
3 fund as provided in s. 59.25 (3) (g).

4 **SECTION 123.** 302.46 (1) (d) of the statutes is amended to read:

5 302.46 (1) (d) If any deposit of bail is made for a noncriminal offense to which
6 this section applies, the person making the deposit shall also deposit a sufficient
7 amount to include the jail assessment ~~prescribed in~~ surcharge under this section for
8 forfeited bail. If bail is forfeited, the amount of the jail assessment surcharge shall
9 be transmitted to the county treasurer under this section. If bail is returned, the jail
10 assessment surcharge shall also be returned.

11 **SECTION 124.** 345.20 (2) (f) of the statutes is amended to read:

12 345.20 (2) (f) Sections 23.50 to 23.85 apply to actions in circuit court to recover
13 forfeitures and weapons assessments surcharges imposed under ch. 814 for
14 violations of s. 167.31 (2) (b), (c),₁ or (d). No points may be assessed against the driving
15 record of a person convicted of a violation of s. 167.31 (2) (b), (c),₁ or (d). The report
16 of conviction shall be forwarded to the department.

17 **SECTION 125.** 345.26 (1) (b) 1. of the statutes is amended to read:

18 345.26 (1) (b) 1. If the person makes a deposit for a violation of a traffic
19 regulation, the person need not appear in court at the time fixed in the citation, and
20 the person will be deemed to have tendered a plea of no contest and submitted to a
21 forfeiture and a penalty assessment, if required by s. 757.05, a jail assessment, if
22 required by s. ~~302.46 (1)~~, a truck driver education assessment, if required by s.
23 ~~349.04~~, a railroad crossing improvement assessment, if required by s. ~~346.177~~,
24 ~~346.495 or 346.65 (4r)~~, and a crime laboratories and drug law enforcement
25 assessment, if required by s. ~~165.755~~, plus any applicable costs, fees prescribed in,

ASSEMBLY BILL 421**SECTION 125**

1 and surcharges imposed under ch. 814, not to exceed the amount of the deposit that
2 the court may accept as provided in s. 345.37; and

3 **SECTION 126.** 345.26 (2) (b) of the statutes is amended to read:

4 345.26 (2) (b) In addition to the amount in par. (a), the deposit shall include
5 court costs, ~~including any applicable fees prescribed in, and surcharges imposed~~
6 under ch. 814, ~~any applicable penalty assessment, any applicable jail assessment,~~
7 ~~any applicable truck driver education assessment, any applicable railroad crossing~~
8 ~~improvement assessment, and any applicable crime laboratories and drug law~~
9 ~~enforcement assessment.~~

10 **SECTION 127.** 345.36 (2) (b) of the statutes is amended to read:

11 345.36 (2) (b) Deem the nonappearance a plea of no contest and enter judgment
12 accordingly. If the defendant has posted bond for appearance at that date, the court
13 may also order the bond forfeited. The court shall promptly mail a copy of the
14 judgment to the defendant. The judgment shall allow not less than 20 days from the
15 date thereof for payment of any forfeiture, ~~penalty assessment, jail assessment,~~
16 ~~railroad crossing improvement assessment, truck driver education assessment,~~
17 ~~crime laboratories and drug law enforcement assessment, and plus costs, fees, and~~
18 surcharges imposed under ch. 814. If the defendant moves to open the judgment
19 within 20 days after the date set for trial, and shows to the satisfaction of the court
20 that the failure to appear was due to mistake, inadvertence, surprise, or excusable
21 neglect, the court shall open the judgment, reinstate the not guilty plea, and set a
22 new trial date. The court may impose costs under s. 814.07. The court shall
23 immediately notify the department to delete the record of conviction based upon the
24 original judgment.

25 **SECTION 128.** 345.37 (1) (b) of the statutes is amended to read:

ASSEMBLY BILL 421

1 345.37 (1) (b) Deem the nonappearance a plea of no contest and enter judgment
2 accordingly. If the defendant has posted bond for appearance at that date, the court
3 may also order the bond forfeited. The court shall promptly mail a copy or notice of
4 the judgment to the defendant. The judgment shall allow not less than 20 days from
5 the date thereof for payment of any forfeiture, ~~penalty assessment, railroad crossing~~
6 ~~improvement assessment, crime laboratories and drug law enforcement assessment~~
7 ~~and plus costs, fees, and surcharges imposed under ch. 814.~~ If the defendant moves
8 to open the judgment within 6 months after the court appearance date fixed in the
9 citation, and shows to the satisfaction of the court that the failure to appear was due
10 to mistake, inadvertence, surprise, or excusable neglect, the court shall open the
11 judgment, accept a not guilty plea, and set a trial date. The court may impose costs
12 under s. 814.07. The court shall immediately notify the department to delete the
13 record of conviction based upon the original judgment. If the offense involved is a
14 nonmoving traffic violation and the defendant is subject to s. 345.28 (5) (c), a default
15 judgment may be entered and opened as provided in s. 345.28 (5) (c).

16 **SECTION 129.** 345.37 (2) of the statutes is amended to read:

17 345.37 (2) If the defendant has made a deposit under s. 345.26, the citation may
18 serve as the initial pleading and the defendant shall be deemed to have tendered a
19 plea of no contest and submitted to a forfeiture ~~and a penalty assessment, if required~~
20 ~~by s. 757.05, a jail assessment, if required by s. 302.46 (1), a truck driver education~~
21 ~~assessment, if required by s. 349.04, a railroad crossing improvement assessment,~~
22 ~~if required by s. 346.177, 346.495 or 346.65 (4r), and a crime laboratories and drug~~
23 ~~law enforcement assessment, if required by s. 165.755, plus costs, including any~~
24 ~~applicable fees prescribed in, and surcharges imposed under ch. 814, not exceeding~~
25 the amount of the deposit. The court may either accept the plea of no contest and

ASSEMBLY BILL 421**SECTION 129**

1 enter judgment accordingly, or reject the plea and issue a summons under ch. 968.
2 If the defendant fails to appear in response to the summons, the court shall issue a
3 warrant under ch. 968. If the court accepts the plea of no contest, the defendant may
4 move within 6 months after the date set for the appearance to withdraw the plea of
5 no contest, open the judgment, and enter a plea of not guilty upon a showing to the
6 satisfaction of the court that the failure to appear was due to mistake, inadvertence,
7 surprise, or excusable neglect. If on reopening the defendant is found not guilty, the
8 court shall immediately notify the department to delete the record of conviction
9 based on the original proceeding and shall order the defendant's deposit returned.

10 **SECTION 130.** 345.37 (5) of the statutes is amended to read:

11 345.37 (5) Within 5 working days after forfeiture of deposit or entry of default
12 judgment, the official receiving the forfeiture, ~~the penalty assessment, if required by~~
13 ~~s. 757.05, the jail assessment, if required by s. 302.46 (1), the truck driver education~~
14 ~~assessment, if required by s. 349.04, the railroad crossing improvement assessment,~~
15 ~~if required by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug~~
16 ~~law enforcement assessment, if required by s. 165.755, plus costs, fees, and~~
17 ~~surcharges imposed under ch. 814, shall forward to the department a certification~~
18 ~~of the entry of default judgment or a judgment of forfeiture.~~

19 **SECTION 131.** 345.375 (2) of the statutes is amended to read:

20 345.375 (2) Upon default of the defendant corporation or limited liability
21 company or upon conviction, judgment for the amount of the forfeiture, ~~the penalty~~
22 ~~assessment, if required under s. 757.05, the jail assessment, if required by s. 302.46~~
23 ~~(1), the truck driver education assessment, if required by s. 349.04, and the crime~~
24 ~~laboratories and drug law enforcement assessment, if required under s. 165.755,~~
25 ~~plus costs, fees, and surcharges imposed under ch. 814, shall be entered.~~

ASSEMBLY BILL 421

1 **SECTION 132.** 345.47 (title) of the statutes is amended to read:

2 **345.47 (title) Judgment of forfeitures, costs, fees, and assessments**
3 **surcharges.**

4 **SECTION 133.** 345.47 (1) (intro.) of the statutes is amended to read:

5 345.47 (1) (intro.) If the defendant is found guilty, the court may enter
6 judgment against the defendant for a monetary amount not to exceed the maximum
7 forfeiture, ~~penalty assessment, if required by s. 757.05, the jail assessment, if~~
8 ~~required by s. 302.46 (1), the truck driver education assessment, if required by s.~~
9 ~~349.04, the railroad crossing improvement assessment, if required by s. 346.177,~~
10 ~~346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement~~
11 ~~assessment, if required by s. 165.755, provided for the violation and for, plus costs,~~
12 ~~fees, and surcharges imposed under s. 345.53 ch. 814, and, in addition, may suspend~~
13 ~~or revoke his or her operating privilege under s. 343.30. If the judgment is not paid,~~
14 ~~the court shall order:~~

15 **SECTION 134.** 345.47 (1) (b) of the statutes is amended to read:

16 345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension
17 or revocation, that the defendant's operating privilege be suspended. The operating
18 privilege shall be suspended for 30 days or until the person pays the forfeiture, the
19 ~~penalty assessment, if required by s. 757.05, the jail assessment, if required by s.~~
20 ~~302.46 (1), the truck driver education assessment, if required by s. 349.04, the~~
21 ~~railroad crossing improvement assessment, if required by s. 346.177, 346.495 or~~
22 ~~346.65 (4r), and the crime laboratories and drug law enforcement assessment, if~~
23 ~~required by s. 165.755 plus costs, fees, and surcharges imposed under ch. 814, but~~
24 ~~not to exceed 2 years. Suspension under this paragraph shall not affect the power~~
25 ~~of the court to suspend or revoke under s. 343.30 or the power of the secretary to~~

ASSEMBLY BILL 421**SECTION 134**

1 suspend or revoke the operating privilege. This paragraph does not apply if the
2 judgment was entered solely for violation of an ordinance unrelated to the violator's
3 operation of a motor vehicle.

4 **SECTION 135.** 345.47 (1) (c) of the statutes is amended to read:

5 345.47 (1) (c) If a court or judge suspends an operating privilege under this
6 section, the court or judge shall immediately take possession of the suspended license
7 and shall forward it to the department together with the notice of suspension, which
8 shall clearly state that the suspension was for failure to pay a forfeiture, ~~a penalty~~
9 ~~assessment, if required by s. 757.05, a truck driver education assessment, if required~~
10 ~~by s. 349.04, a jail assessment, if required by s. 302.46 (1), a railroad crossing~~
11 ~~improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a~~
12 ~~crime laboratories and drug law enforcement assessment, if required by s. 165.755,~~
13 plus costs, fees, and surcharges imposed by the court under ch. 814. The notice of
14 suspension and the suspended license, if it is available, shall be forwarded to the
15 department within 48 hours after the order of suspension. If the forfeiture, penalty
16 ~~assessment, jail assessment, truck driver education assessment, railroad crossing~~
17 ~~improvement assessment, and crime laboratories and drug law enforcement~~
18 ~~assessment~~ plus costs, fees, and surcharges imposed under ch. 814, are paid during
19 a period of suspension, the court or judge shall immediately notify the department.
20 Upon receipt of the notice and payment of the reinstatement fee under s. 343.21 (1)
21 (j), the department shall return the surrendered license.

22 **SECTION 136.** 345.47 (2) of the statutes is amended to read:

23 345.47 (2) The payment of any judgment may be suspended or deferred for not
24 more than 60 days in the discretion of the court. In cases where a deposit has been
25 made, any forfeitures, ~~penalty assessments, jail assessments, truck driver education~~

ASSEMBLY BILL 421

1 ~~assessments, railroad crossing improvement assessments, crime laboratories and~~
2 ~~drug law enforcement assessments, and plus costs, fees, and surcharges imposed~~
3 ~~under ch. 814, shall be taken out of the deposit and the balance, if any, returned to~~
4 ~~the defendant.~~

5 **SECTION 137.** 345.47 (3) of the statutes is amended to read:

6 345.47 (3) When a defendant is imprisoned for nonpayment of a forfeiture, ~~a~~
7 ~~penalty assessment, a jail assessment, a truck driver education assessment, a~~
8 ~~railroad crossing improvement assessment, or a crime laboratories and drug law~~
9 ~~enforcement assessment plus costs, fees, and surcharges imposed under ch. 814, for~~
10 ~~an action brought by a municipality located in more than one county, any~~
11 ~~commitment to a county institution shall be to the county in which the action was~~
12 ~~tried.~~

13 **SECTION 138.** 345.49 (title) of the statutes is amended to read:

14 **345.49 (title) Procedure on imprisonment; nonpayment of forfeiture,**
15 **costs, fees, or assessments surcharges.**

16 **SECTION 139.** 345.49 (1) of the statutes is amended to read:

17 345.49 (1) Any person imprisoned under s. 345.47 for nonpayment of a
18 forfeiture, ~~a penalty assessment, if required by s. 757.05, a jail assessment, if~~
19 ~~required by s. 302.46 (1), a truck driver education assessment, if required by s.~~
20 ~~349.04, a railroad crossing improvement assessment, if required by s. 346.177,~~
21 ~~346.495 or 346.65 (4r), or a crime laboratories and drug law enforcement assessment,~~
22 ~~if required by s. 165.755, plus costs, fees, and surcharges imposed under ch. 814, may,~~
23 ~~on request, be allowed to work under s. 303.08. If the person does work, earnings~~
24 ~~shall be applied on the unpaid forfeiture, penalty assessment, truck driver education~~
25 ~~assessment, jail assessment, railroad crossing improvement assessment, or crime~~

ASSEMBLY BILL 421**SECTION 139**

1 ~~laboratories and drug law enforcement assessment~~ and costs, fees, and surcharges
2 imposed under ch. 814, after payment of personal board and expenses and support
3 of personal dependents to the extent directed by the court.

4 **SECTION 140.** 345.49 (2) of the statutes is amended to read:

5 345.49 (2) Any person who is subject to imprisonment under s. 345.47 for
6 nonpayment of a forfeiture, ~~penalty assessment, truck driver education assessment,~~
7 ~~jail assessment, railroad crossing improvement assessment, or crime laboratories~~
8 ~~and drug law enforcement assessment~~ plus costs, fees, and surcharges imposed
9 under ch. 814, may be placed on probation to some person satisfactory to the court
10 for not more than 90 days or until the forfeiture, ~~penalty assessment, truck driver~~
11 ~~education assessment, jail assessment, railroad crossing improvement assessment,~~
12 ~~or crime laboratories and drug law enforcement assessment~~ is and costs, fees, and
13 surcharges imposed under ch. 814, are paid if that is done before expiration of the
14 90-day period. The payment of the forfeiture, ~~penalty assessment, truck driver~~
15 ~~education assessment, jail assessment, railroad crossing improvement assessment,~~
16 ~~or crime laboratories and drug law enforcement assessment~~ and costs, fees, and
17 surcharges imposed under ch. 814, during that period shall be a condition of the
18 probation. If the forfeiture, ~~penalty assessment, truck driver education assessment,~~
19 ~~jail assessment, railroad crossing improvement assessment, or crime laboratories~~
20 ~~and drug law enforcement assessment~~ is and costs, fees, and surcharges imposed
21 under ch. 814, are not paid or the court deems that the interests of justice require,
22 probation may be terminated and the defendant imprisoned as provided in sub. (1)
23 or s. 345.47.

24 **SECTION 141.** 345.61 (2) (c) of the statutes is amended to read:

ASSEMBLY BILL 421

1 345.61 **(2)** (c) “Guaranteed arrest bond certificate,” as used in this section,
2 means any printed card or other certificate issued by an automobile club, association,
3 or insurance company to any of its members or insureds, which card or certificate is
4 signed by the member or insureds and contains a printed statement that the
5 automobile club, association, or insurance company and a surety company, or an
6 insurance company authorized to transact both automobile liability insurance and
7 surety business, guarantee the appearance of the persons whose signature appears
8 on the card or certificate and that they will, in the event of failure of the person to
9 appear in court at the time of trial, pay any fine or forfeiture imposed on the person,
10 including the penalty assessment required by s. 757.05, the truck driver education
11 assessment required by s. 349.04, the jail assessment required by s. 302.46 (1), the
12 railroad crossing improvement assessment required by s. 346.177, 346.495 or 346.65
13 (4r), and the crime laboratories and drug law enforcement assessment required by
14 s. 165.755, plus costs, fees, and surcharges imposed under ch. 814, in an amount not
15 exceeding \$200, or \$1,000 as provided in sub. (1) (b).

16 **SECTION 142.** 346.177 of the statutes is amended to read:

17 **346.177 Railroad crossing improvement assessment surcharge for**
18 **vehicles illegally passing at railroad crossings. (1)** Whenever a court imposes
19 a forfeiture under s. 346.17 (2m) for a violation of s. 346.10 (1), the court shall also
20 impose a railroad crossing improvement assessment surcharge under ch. 814 equal
21 to 50% of the amount of the forfeiture.

22 **(2)** If a forfeiture is suspended in whole or in part, the railroad crossing
23 improvement assessment surcharge shall be reduced in proportion to the
24 suspension.

ASSEMBLY BILL 421**SECTION 142**

1 **(3)** If any deposit is made for an offense to which this section applies, the person
2 making the deposit shall also deposit a sufficient amount to include the railroad
3 crossing improvement ~~assessment~~ surchage under this section. If the deposit is
4 forfeited, the amount of the railroad crossing improvement ~~assessment~~ surchage
5 shall be transmitted to the state treasurer under sub. (4). If the deposit is returned,
6 the amount of the railroad crossing improvement ~~assessment~~ surchage shall also
7 be returned.

8 **(4)** The clerk of the circuit court shall collect and transmit to the county
9 treasurer the railroad crossing improvement ~~assessment~~ surchage as required
10 under s. 59.40 (2) (m). The county treasurer shall then pay the state treasurer as
11 provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit all amounts received
12 under this subsection in the transportation fund to be appropriated under s. 20.395
13 (2) (gj).

14 **SECTION 143.** 346.495 of the statutes is amended to read:

15 **346.495 Railroad crossing improvement ~~assessment~~ surchage.** **(1)** If
16 a court imposes a forfeiture under s. 346.49 (1g) or (2m) (a), (am), or (b) for a violation
17 of s. 346.44, 346.45, or 346.46 (3), the court shall also impose a railroad crossing
18 improvement ~~assessment~~ surchage under ch. 814 equal to 50% of the amount of the
19 forfeiture.

20 **(2)** If a forfeiture is suspended in whole or in part, the railroad crossing
21 improvement ~~assessment~~ surchage shall be reduced in proportion to the
22 suspension.

23 **(3)** If any deposit is made for an offense to which this section applies, the person
24 making the deposit shall also deposit a sufficient amount to include the railroad
25 crossing improvement ~~assessment~~ surchage under this section. If the deposit is

ASSEMBLY BILL 421

1 forfeited, the amount of the railroad crossing improvement assessment surcharge
2 shall be transmitted to the state treasurer under sub. (4). If the deposit is returned,
3 the amount of the railroad crossing improvement assessment surcharge shall also
4 be returned.

5 **(4)** The clerk of the circuit court shall collect and transmit to the county
6 treasurer the railroad crossing improvement assessment surcharge as required
7 under s. 59.40 (2) (m). The county treasurer shall then pay the state treasurer as
8 provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit all amounts received
9 under this subsection in the transportation fund to be appropriated under s. 20.395
10 (2) (gj).

11 **SECTION 144.** 346.65 (4r) of the statutes is amended to read:

12 346.65 **(4r)** (a) If a court imposes a forfeiture under sub. (4m) for a violation of
13 s. 346.62 (2m), the court shall also impose a railroad crossing improvement
14 ~~assessment~~ surcharge under ch. 814 equal to 50% of the amount of the forfeiture.

15 (b) If a forfeiture is suspended in whole or in part, the railroad crossing
16 improvement ~~assessment~~ surcharge shall be reduced in proportion to the
17 suspension.

18 (c) If any deposit is made for an offense to which this subsection applies, the
19 person making the deposit shall also deposit a sufficient amount to include the
20 railroad crossing improvement ~~assessment~~ surcharge under this subsection. If the
21 deposit is forfeited, the amount of the railroad crossing improvement ~~assessment~~
22 surcharge shall be transmitted to the state treasurer under par. (d). If the deposit
23 is returned, the amount of the railroad crossing improvement ~~assessment~~ surcharge
24 shall also be returned.

ASSEMBLY BILL 421**SECTION 144**

1 (d) The clerk of the circuit court shall collect and transmit to the county
2 treasurer the railroad crossing improvement assessment surcharge as required
3 under s. 59.40 (2) (m). The county treasurer shall then pay the state treasurer as
4 provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit all amounts received
5 under this paragraph in the transportation fund to be appropriated under s. 20.395
6 (2) (gj).

7 **SECTION 145.** 346.655 (1) of the statutes is amended to read:

8 346.655 (1) If a court imposes a fine or a forfeiture for a violation of s. 346.63
9 (1) or (5), or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25,
10 or s. 940.09 where the offense involved the use of a vehicle, it shall impose a driver
11 improvement surcharge under ch. 814 in an amount of \$355 in addition to the fine
12 or forfeiture, ~~penalty assessment, jail assessment, crime laboratories and drug law~~
13 ~~enforcement assessment, and, if required by s. 349.04, truck driver education~~
14 ~~assessment plus costs, fees, and other surcharges imposed under ch. 814.~~

15 **SECTION 146.** 349.04 (title) of the statutes is amended to read:

16 **349.04 (title) Truck driver education assessments surcharges.**

17 **SECTION 147.** 349.04 (1) of the statutes is amended to read:

18 349.04 (1) If a court imposes a fine or forfeiture for a violation of a provision
19 of chs. 346 to 348 or a rule issued under chs. 346 to 348 and the violation involved
20 a commercial motor vehicle, the court shall impose under ch. 814 a truck driver
21 education assessment surcharge of \$8.

22 **SECTION 148.** 349.04 (2) of the statutes is amended to read:

23 349.04 (2) If a fine or forfeiture is suspended in whole or in part, the truck
24 driver education assessment surcharge shall be reduced in proportion to the
25 suspension.

ASSEMBLY BILL 421

1 **SECTION 149.** 349.04 (3) of the statutes is amended to read:

2 349.04 (3) If any deposit is made for an offense to which this section applies,
3 the person making the deposit shall also deposit a sufficient amount to include the
4 truck driver education assessment surcharge under this section. If the deposit is
5 forfeited, the amount of the truck driver education assessment surcharge shall be
6 transmitted to the state treasurer under sub. (4). If the deposit is returned, the
7 amount of the truck driver education assessment surcharge shall also be returned.

8 **SECTION 150.** 349.04 (4) of the statutes is amended to read:

9 349.04 (4) The clerk of the circuit court shall collect and transmit to the county
10 treasurer the truck driver education assessment surcharge as required under s.
11 59.40 (2) (m). The county treasurer shall then pay the state treasurer as provided
12 in s. 59.25 (3) (f) 2. The state treasurer shall deposit all amounts received under this
13 subsection in the general fund to be credited to the appropriation account under s.
14 20.292 (1) (hm).

15 **SECTION 151.** 350.115 of the statutes is amended to read:

16 **350.115 Snowmobile registration restitution payments surcharge. (1)**
17 **LEVY OF SNOWMOBILE REGISTRATION RESTITUTION PAYMENT SURCHARGE.** (a) If a court
18 imposes a forfeiture for a violation of a provision of this chapter where the payment
19 of a registration fee is required, the court shall impose a snowmobile registration
20 restitution payment surcharge under ch. 814 equal to the amount of the fee that was
21 required and should have been obtained.

22 (b) If a forfeiture is suspended in whole or in part, the snowmobile registration
23 restitution payment surcharge shall be reduced in proportion to the suspension
24 unless the court directs otherwise.

ASSEMBLY BILL 421**SECTION 151**

1 (c) If any deposit is made for an offense to which this section applies, the person
2 making the deposit shall also deposit a sufficient amount to include the snowmobile
3 registration restitution ~~payment prescribed in~~ surcharge under this section. If the
4 deposit is forfeited, the amount of the snowmobile registration restitution ~~payment~~
5 surcharge shall be transmitted to the state treasurer under par. (d). If the deposit
6 is returned, the snowmobile registration restitution ~~payment~~ surcharge shall also be
7 returned.

8 (d) The clerk of the court shall collect and transmit to the county treasurer the
9 snowmobile registration restitution ~~payment~~ surcharge and other amounts required
10 under s. 59.40 (2) (m). The county treasurer shall then make payment to the state
11 treasurer as provided in s. 59.25 (3) (f) 2.

12 **(2) USE OF SNOWMOBILE REGISTRATION RESTITUTION PAYMENT SURCHARGE FUNDS.**
13 All moneys collected from snowmobile registration restitution ~~payments~~ surcharges
14 shall be deposited in the conservation fund.

15 **SECTION 152.** 447.15 (4) of the statutes is amended to read:

16 447.15 (4) “Liability” includes the obligation to pay a judgment, settlement,
17 ~~penalty, assessment,~~ forfeiture, or fine, including any excise tax assessed with
18 respect to an employee benefit plan, plus costs, fees, and surcharges imposed under
19 ch. 814, and reasonable expenses.

20 **SECTION 153.** 753.40 of the statutes is amended to read:

21 **753.40 Contributions to certain organizations and agencies.** (1) If a
22 circuit court finds in a forfeiture action that a person violated an ordinance that
23 prohibits conduct that is the same as or similar to conduct prohibited by state statute
24 punishable by fine or imprisonment, the circuit court may require, under ch. 814, the
25 person to make a contribution surcharge not to exceed the maximum amount of the

ASSEMBLY BILL 421

1 forfeiture that may be levied to an organization or agency specified in s. 973.06 (1)
2 (f) 1. if the court determines that the violator has the financial ability to make the
3 contribution.

4 **(2)** If the court does require a person to make a contribution surchage to an
5 organization or agency specified in s. 973.06 (1) (f) 1. but does not require the person
6 to pay a forfeiture or court costs, the court shall state on the record the reasons why
7 it is not requiring the person to pay the forfeiture or court costs. All ~~contributions~~
8 contribution surcharges made under this section shall be made to the clerk of circuit
9 court for distribution to the organization or agency specified in s. 973.06 (1) (f) 1. The
10 circuit court may not require a person to make a contribution surchage under this
11 section to an organization or agency specified in s. 973.06 (1) (f) 1. that has not
12 complied with the provisions of s. 757.17.

13 **SECTION 154.** 757.05 (title) of the statutes is amended to read:

14 **757.05 (title) Penalty assessment surchage.**

15 **SECTION 155.** 757.05 (1) (a) of the statutes is amended to read:

16 757.05 **(1)** (a) Whenever a court imposes a fine or forfeiture for a violation of
17 state law or for a violation of a municipal or county ordinance except for a violation
18 of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5) or state laws or municipal or
19 county ordinances involving nonmoving traffic violations or safety belt use violations
20 under s. 347.48 (2m), there shall be imposed in addition a penalty assessment
21 surchage under ch. 814 in an amount of 24% of the fine or forfeiture imposed. If
22 multiple offenses are involved, the penalty assessment surchage shall be based
23 upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended
24 in whole or in part, the penalty assessment surchage shall be reduced in proportion
25 to the suspension.

ASSEMBLY BILL 421**SECTION 156**

1 **SECTION 156.** 757.05 (1) (d) of the statutes is amended to read:

2 757.05 (1) (d) If any deposit of bail is made for a noncriminal offense to which
3 this subsection applies, the person making the deposit shall also deposit a sufficient
4 amount to include the ~~assessment prescribed in~~ surcharge under this subsection for
5 forfeited bail. If bail is forfeited, the amount of the ~~assessment~~ surcharge shall be
6 transmitted monthly to the state treasurer under this subsection. If bail is returned,
7 the ~~assessment~~ surcharge shall also be returned.

8 **SECTION 157.** 757.05 (2) (title) of the statutes is amended to read:

9 757.05 (2) (title) USE OF PENALTY ASSESSMENT SURCHARGE MONEYS.

10 **SECTION 158.** 757.05 (2) (a) of the statutes is amended to read:

11 757.05 (2) (a) *Law enforcement training fund.* Eleven twenty-fourths of all
12 moneys collected from penalty ~~assessments~~ surcharges under sub. (1) shall be
13 credited to the appropriation account under s. 20.455 (2) (i) and utilized in
14 accordance with ss. 20.455 (2) and 165.85 (5). The moneys credited to the
15 appropriation account under s. 20.455 (2) (i), except for the moneys transferred to s.
16 20.455 (2) (jb), constitute the law enforcement training fund.

17 **SECTION 159.** 757.05 (2) (b) of the statutes is amended to read:

18 757.05 (2) (b) *Other purposes.* The moneys collected from penalty ~~assessments~~
19 surcharges under sub. (1) that remain after crediting the appropriation account
20 specified in par. (a) shall be credited to the appropriation account under s. 20.505 (6)
21 (j) and transferred as provided under s. 20.505 (6) (j).

22 **SECTION 160.** 758.19 (6) (c) 1. a. of the statutes is amended to read:

23 758.19 (6) (c) 1. a. “Court support services fee” means the fee under s. ~~814.634~~
24 814.85.

25 **SECTION 161.** 778.02 of the statutes is amended to read:

ASSEMBLY BILL 421

1 **778.02 Action in name of state; complaint; attachment.** Every such
2 forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to
3 allege in the complaint that the defendant is indebted to the plaintiff in the amount
4 of the forfeiture claimed, according to the provisions of the statute that imposes it,
5 specifying the statute ~~and for the penalty assessment imposed by s. 757.05, the jail~~
6 ~~assessment imposed by s. 302.46 (1), the crime laboratories and drug law~~
7 ~~enforcement assessment imposed by s. 165.755, the enforcement assessment~~
8 ~~imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer protection~~
9 ~~assessment imposed by s. 100.261, and any applicable domestic abuse assessment~~
10 ~~imposed by s. 973.055 (1), plus costs, fees, and surcharges imposed under ch. 814.~~
11 If the statute imposes a forfeiture for several offenses or delinquencies, the complaint
12 shall specify the particular offense or delinquency for which the action is brought,
13 with a demand for judgment for the amount of the forfeiture, ~~penalty assessment,~~
14 ~~jail assessment, crime laboratories and drug law enforcement assessment, any~~
15 ~~applicable enforcement assessment, any applicable consumer protection~~
16 ~~assessment, and any applicable domestic abuse assessment~~ plus costs, fees, and
17 surcharges imposed under ch. 814. If the defendant is a nonresident of the state, an
18 attachment may issue.

19 **SECTION 162.** 778.03 of the statutes is amended to read:

20 **778.03 Complaint to recover forfeited goods.** In an action to recover
21 property forfeited by any statute it shall be sufficient to allege in the complaint that
22 the property has been forfeited, specifying the statute, with a demand of judgment
23 for the delivery of the property, or the value thereof of the property and for payment
24 of the ~~penalty assessment imposed by s. 757.05, the jail assessment imposed by s.~~
25 ~~302.46 (1), the crime laboratories and drug law enforcement assessment imposed by~~

ASSEMBLY BILL 421**SECTION 162**

1 ~~s. 165.755, the enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c), any~~
2 ~~applicable consumer protection assessment imposed by s. 100.261, and any~~
3 ~~applicable domestic abuse assessment imposed by s. 973.055 (1) costs, fees, and~~
4 ~~surcharges imposed under ch. 814.~~

5 **SECTION 163.** 778.06 of the statutes is amended to read:

6 **778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a
7 specific sum or when it is not less than one sum or more than another, the action may
8 be brought for the highest sum specified ~~and for the penalty assessment imposed by~~
9 ~~s. 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories and~~
10 ~~drug law enforcement assessment imposed by s. 165.755, the enforcement~~
11 ~~assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer~~
12 ~~protection assessment imposed by s. 100.261, and any applicable domestic abuse~~
13 ~~assessment imposed by s. 973.055 (1), plus costs, fees, and surcharges imposed under~~
14 ~~ch. 814;~~ and judgment may be rendered for such sum as the court or jury shall assess
15 or determine to be proportionate to the offense.

16 **SECTION 164.** 778.10 of the statutes is amended to read:

17 **778.10 Municipal forfeitures, how recovered.** All forfeitures imposed by
18 any ordinance or regulation of any county, town, city, or village, or of any other
19 domestic corporation may be sued for and recovered, under this chapter, in the name
20 of the county, town, city, village, or corporation. It is sufficient to allege in the
21 complaint that the defendant is indebted to the plaintiff in the amount of the
22 forfeiture claimed, specifying the ordinance or regulation that imposes it ~~and of the~~
23 ~~penalty assessment imposed by s. 757.05, the jail assessment imposed by s. 302.46~~
24 ~~(1), the crime laboratories and drug law enforcement assessment imposed by s.~~
25 ~~165.755, any applicable consumer protection assessment imposed by s. 100.261, and~~

ASSEMBLY BILL 421

1 ~~any applicable domestic abuse assessment imposed by s. 973.055 (1), plus costs, fees,~~
2 ~~and surcharges imposed under ch. 814.~~ If the ordinance or regulation imposes a
3 penalty or forfeiture for several offenses or delinquencies, the complaint shall specify
4 the particular offenses or delinquency for which the action is brought, with a demand
5 for judgment for the amount of the forfeiture, ~~the penalty assessment imposed by s.~~
6 ~~757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug~~
7 ~~law enforcement assessment imposed by s. 165.755, any applicable consumer~~
8 ~~protection assessment imposed by s. 100.261, and any applicable domestic abuse~~
9 ~~assessment imposed by s. 973.055 (1) plus costs, fees, and surcharges imposed under~~
10 ~~ch. 814.~~ All moneys collected on the judgment shall be paid to the treasurer of the
11 county, town, city, village, or corporation, except that all jail assessments surcharges
12 imposed under ch. 814 shall be paid to the county treasurer.

13 **SECTION 165.** 778.105 of the statutes is amended to read:

14 **778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by
15 any court or any branch thereof for the violation of any municipal or county
16 ordinance shall be paid to the municipality or county. ~~Penalty assessment payments~~
17 ~~shall be made as provided in s. 757.05. Jail assessment payments shall be made as~~
18 ~~provided in s. 302.46 (1). Crime laboratories and drug law enforcement assessment~~
19 ~~payments shall be paid as provided in s. 165.755. Domestic abuse assessments shall~~
20 ~~be made as provided in s. 973.055. Consumer protection assessment payments shall~~
21 ~~be made as provided in s. 100.261~~ Costs, fees, and surcharges imposed under ch. 814
22 shall be paid as required by that chapter.

23 **SECTION 166.** 778.13 of the statutes is amended to read:

24 **778.13 Forfeitures collected, to whom paid.** All moneys collected in favor
25 of the state for forfeiture, except the portion to be paid to any person who sues with

ASSEMBLY BILL 421**SECTION 166**

1 the state, plus costs, fees, and surcharges imposed under ch. 814, shall be paid by the
2 officer who collects the forfeiture, costs, fees, and surcharges to the treasurer of the
3 county within which the forfeiture was incurred within 20 days after its receipt. In
4 case of any failure in the payment, the county treasurer may collect the payment of
5 the officer by action, in the name of the office and upon the official bond of the officer,
6 with interest at the rate of 12% per year from the time when it should have been paid.
7 ~~Penalty assessment payments shall be made as provided in s. 757.05. Jail~~
8 ~~assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories~~
9 ~~and drug law enforcement assessment payments shall be paid as provided in s.~~
10 ~~165.755. Domestic abuse assessments shall be made as provided in s. 973.055.~~
11 ~~Enforcement assessments shall be made as provided in s. 253.06 (4) (c). Consumer~~
12 ~~protection assessment payments shall be made as provided in s. 100.261.~~

13 **SECTION 167.** 778.18 of the statutes is amended to read:

14 **778.18 Penalty upon municipal judge.** If any municipal judge, of his or her
15 own will, dismisses any action brought before the judge under this chapter, unless
16 by order of the district attorney or attorney general or the person joined as plaintiff
17 with the state, or renders a less lesser judgment therein than is prescribed by law,
18 or releases or discharges any such judgment or part thereof without payment or
19 collection, the judge and the judge's sureties shall be liable, in an action upon the
20 judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture
21 imposed by the judge and for the ~~penalty assessment imposed by s. 757.05, the jail~~
22 ~~assessment imposed by s. 302.46 (1), the crime laboratories and drug law~~
23 ~~enforcement assessment imposed by s. 165.755, any applicable consumer protection~~
24 ~~assessment imposed by s. 100.261, and any applicable domestic abuse assessment~~
25 ~~imposed by s. 973.055 (1) costs, fees, and surcharges imposed under ch. 814, or for~~

ASSEMBLY BILL 421

1 an amount equal to the amount in which any such judgment or any part thereof is
2 released or discharged. If any municipal judge gives time or delay to any person
3 against whom any such judgment is rendered by the judge, or takes any bond or
4 security for its future payment, the judge and the judge's sureties shall also be liable
5 for the payment of the judgment upon the judge's bond.

6 **SECTION 168.** 778.25 (2) (g) of the statutes is amended to read:

7 778.25 (2) (g) Notice that if the defendant makes a deposit and fails to appear
8 in court at the time fixed in the citation, the failure to appear will be considered
9 tender of a plea of no contest and submission to a forfeiture, ~~penalty assessment, jail~~
10 ~~assessment and crime laboratories and drug law enforcement assessment plus costs,~~
11 ~~including any applicable fees prescribed in, and surcharges imposed under~~ ch. 814,
12 not to exceed the amount of the deposit. The notice shall also state that the court may
13 decide to summon the defendant or, if the defendant is an adult, issue an arrest
14 warrant for the defendant rather than accept the deposit and plea.

15 **SECTION 169.** 778.25 (3) of the statutes is amended to read:

16 778.25 (3) If a person is issued a citation under this section, the person may
17 deposit the amount of money that the issuing agent or officer directs by mailing or
18 delivering the deposit and a copy of the citation to the clerk of court of the county
19 where the violation occurred or the office or headquarters of the agent or officer who
20 issued the citation prior to the court appearance date. The basic amount of the
21 deposit shall be determined under a deposit schedule established by the judicial
22 conference. The judicial conference shall annually review and revise the schedule.
23 In addition to the basic amount determined by the schedule, the deposit shall include
24 costs, ~~including any applicable fees prescribed in, and surcharges imposed under~~ ch.

ASSEMBLY BILL 421**SECTION 169**

1 814, ~~penalty assessment, jail assessment and crime laboratories and drug law~~
2 ~~enforcement assessment.~~

3 **SECTION 170.** 778.25 (5) of the statutes is amended to read:

4 778.25 (5) A person receiving a deposit shall prepare a receipt in triplicate
5 showing the purpose for which the deposit is made, stating that the defendant may
6 inquire at the office of the clerk of court regarding the disposition of the deposit, and
7 notifying the defendant that if he or she fails to appear in court at the time fixed in
8 the citation he or she will be deemed to have tendered a plea of no contest and
9 submitted to a forfeiture, ~~penalty assessment, jail assessment and crime~~
10 ~~laboratories and drug law enforcement assessment~~ plus costs, including any
11 ~~applicable fees prescribed in, and surcharges imposed under~~ ch. 814, not to exceed
12 the amount of the deposit which the court may accept. The original of the receipt
13 shall be delivered to the defendant in person or by mail. If the defendant pays by
14 check, the check is the receipt.

15 **SECTION 171.** 778.25 (8) (b) of the statutes is amended to read:

16 778.25 (8) (b) If the defendant has made a deposit, the citation may serve as
17 the initial pleading and the defendant shall be considered to have tendered a plea
18 of no contest and submitted to a forfeiture, ~~penalty assessment, jail assessment and~~
19 ~~crime laboratories and drug law enforcement assessment~~ plus costs, including any
20 ~~applicable fees prescribed in, and surcharges imposed under~~ ch. 814, not exceeding
21 the amount of the deposit. The court may either accept the plea of no contest and
22 enter judgment accordingly, or reject the plea and issue a summons or arrest
23 warrant, except that if the defendant is a minor the court shall proceed under s.
24 938.28. Chapter 938 governs taking and holding a minor in custody. If the court
25 accepts the plea of no contest, the defendant may move within 90 days after the date

ASSEMBLY BILL 421

1 set for appearance to withdraw the plea of no contest, open the judgment, and enter
2 a plea of not guilty if the defendant shows to the satisfaction of the court that failure
3 to appear was due to mistake, inadvertence, surprise, or excusable neglect. If a party
4 is relieved from the plea of no contest, the court or judge may order a written
5 complaint or petition to be filed. If on reopening the defendant is found not guilty,
6 the court shall delete the record of conviction and shall order the defendant's deposit
7 returned.

8 **SECTION 172.** 778.25 (10) of the statutes is amended to read:

9 778.25 (10) An officer collecting moneys for a forfeiture, ~~penalty assessment,~~
10 ~~jail assessment, crime laboratories and drug law enforcement assessment and plus~~
11 ~~costs, fees, and surcharges imposed under ch. 814,~~ under this section shall pay the
12 same to the appropriate municipal or county treasurer within 20 days after its their
13 receipt by the officer, except that all jail ~~assessments~~ surcharges imposed under ch.
14 814 shall be paid to the county treasurer. If the officer fails to make timely payment,
15 the municipal or county treasurer may collect the payment from the officer by an
16 action in the treasurer's name of office and upon the official bond of the officer, with
17 interest at the rate of 12% per year from the time when it should have been paid.

18 **SECTION 173.** 778.26 (2) (e) of the statutes is amended to read:

19 778.26 (2) (e) The maximum forfeiture, ~~penalty assessment, jail assessment~~
20 ~~and crime laboratories and drug law enforcement assessment plus costs, fees, and~~
21 ~~surcharges imposed under ch. 814,~~ for which the defendant is liable.

22 **SECTION 174.** 778.26 (2) (g) of the statutes is amended to read:

23 778.26 (2) (g) Notice that, if the defendant makes a deposit and fails to appear
24 in court at the time specified in the citation, the failure to appear will be considered
25 tender of a plea of no contest and submission to a forfeiture, ~~penalty assessment, jail~~

ASSEMBLY BILL 421**SECTION 174**

1 ~~assessment and crime laboratories and drug law enforcement assessment plus costs,~~
2 fees, and surcharges imposed under ch. 814, not to exceed the amount of the deposit.

3 The notice shall also state that the court, instead of accepting the deposit and plea,
4 may decide to summon the defendant or may issue an arrest warrant for the
5 defendant upon failure to respond to a summons.

6 **SECTION 175.** 778.26 (2) (h) of the statutes is amended to read:

7 778.26 (2) (h) Notice that, if the defendant makes a deposit and signs the
8 stipulation, the stipulation will be treated as a plea of no contest and submission to
9 a forfeiture, ~~penalty assessment, jail assessment and crime laboratories and drug~~
10 law enforcement assessment plus costs, fees, and surcharges imposed under ch. 814,
11 not to exceed the amount of the deposit. The notice shall also state that the court,
12 instead of accepting the deposit and stipulation, may decide to summon the
13 defendant or issue an arrest warrant for the defendant upon failure to respond to a
14 summons, and that the defendant may, at any time prior to or at the time of the court
15 appearance date, move the court for relief from the effect of the stipulation.

16 **SECTION 176.** 778.26 (3) of the statutes is amended to read:

17 778.26 (3) A defendant issued a citation under this section may deposit the
18 amount of money that the issuing officer directs by mailing or delivering the deposit
19 and a copy of the citation prior to the court appearance date to the clerk of the circuit
20 court in the county where the violation occurred or to the sheriff's office or police
21 headquarters of the officer who issued the citation. The basic amount of the deposit
22 shall be determined under a deposit schedule established by the judicial conference.
23 The judicial conference shall annually review and revise the schedule. In addition
24 to the basic amount determined by the schedule, the deposit shall include the ~~penalty~~

ASSEMBLY BILL 421

1 ~~assessment, jail assessment, crime laboratories and drug law enforcement~~
2 ~~assessment and costs, fees, and surcharges imposed under ch. 814.~~

3 **SECTION 177.** 778.26 (4) of the statutes is amended to read:

4 778.26 (4) A defendant may make a stipulation of no contest by submitting a
5 deposit and a stipulation in the manner provided by sub. (3) prior to the court
6 appearance date. The signed stipulation is a plea of no contest and submission to a
7 forfeiture, plus the ~~penalty assessment, jail assessment, crime laboratories and drug~~
8 ~~law enforcement assessment and costs, fees, and surcharges imposed under ch. 814,~~
9 not to exceed the amount of the deposit.

10 **SECTION 178.** 778.26 (5) of the statutes is amended to read:

11 778.26 (5) Except as provided by sub. (6), a person receiving a deposit shall
12 prepare a receipt in triplicate showing the purpose for which the deposit is made,
13 stating that the defendant may inquire at the office of the clerk of the circuit court
14 regarding the disposition of the deposit, and notifying the defendant that if he or she
15 fails to appear in court at the time specified in the citation he or she shall be
16 considered to have tendered a plea of no contest and submitted to a forfeiture,
17 ~~penalty assessment, jail assessment and crime laboratories and drug law~~
18 ~~enforcement assessment plus costs, fees, and surcharges imposed under ch. 814,~~ not
19 to exceed the amount of the deposit and that the court may accept the plea. The
20 original of the receipt shall be delivered to the defendant in person or by mail. If the
21 defendant pays by check, the canceled check is the receipt.

22 **SECTION 179.** 778.26 (6) of the statutes is amended to read:

23 778.26 (6) The person receiving a deposit and stipulation of no contest shall
24 prepare a receipt in triplicate showing the purpose for which the deposit is made,
25 stating that the defendant may inquire at the office of the clerk of the circuit court

ASSEMBLY BILL 421**SECTION 179**

1 regarding the disposition of the deposit, and notifying the defendant that if the
2 stipulation of no contest is accepted by the court the defendant will be considered to
3 have submitted to a forfeiture, ~~penalty assessment, jail assessment and crime~~
4 ~~laboratories and drug law enforcement assessment plus costs, fees, and surcharges~~
5 imposed under ch. 814, not to exceed the amount of the deposit. Delivery of the
6 receipt shall be made in the same manner as provided in sub. (5).

7 **SECTION 180.** 778.26 (7) (b) of the statutes is amended to read:

8 778.26 (7) (b) If the defendant has made a deposit, the citation may serve as
9 the initial pleading and the defendant shall be considered to have tendered a plea
10 of no contest and submitted to a forfeiture, ~~penalty assessment, jail assessment and~~
11 ~~crime laboratories and drug law enforcement assessment plus costs, fees, and~~
12 surcharges imposed under ch. 814, not to exceed the amount of the deposit. The court
13 may either accept the plea of no contest and enter judgment accordingly, or reject the
14 plea and issue a summons. If the defendant fails to appear in response to the
15 summons, the court shall issue an arrest warrant. If the court accepts the plea of no
16 contest, the defendant may, within 90 days after the date set for appearance, move
17 to withdraw the plea of no contest, open the judgment, and enter a plea of not guilty
18 if the defendant shows to the satisfaction of the court that failure to appear was due
19 to mistake, inadvertence, surprise, or excusable neglect. If a defendant is relieved
20 from the plea of no contest, the court may order a written complaint or petition to be
21 filed. If on reopening the defendant is found not guilty, the court shall delete the
22 record of conviction and shall order the defendant's deposit returned.

23 **SECTION 181.** 778.26 (7) (c) of the statutes is amended to read:

24 778.26 (7) (c) If the defendant has made a deposit and stipulation of no contest,
25 the citation serves as the initial pleading and the defendant shall be considered to

ASSEMBLY BILL 421

1 have tendered a plea of no contest and submitted to a forfeiture, ~~penalty assessment,~~
2 ~~jail assessment and crime laboratories and drug law enforcement assessment plus~~
3 ~~costs, fees, and surcharges imposed under ch. 814,~~ not to exceed the amount of the
4 deposit. The court may either accept the plea of no contest and enter judgment
5 accordingly, or reject the plea and issue a summons or an arrest warrant. After
6 signing a stipulation of no contest, the defendant may, at any time prior to or at the
7 time of the court appearance date, move the court for relief from the effect of the
8 stipulation. The court may act on the motion, with or without notice, for cause shown
9 by affidavit and upon just terms, and relieve the defendant from the stipulation and
10 the effects of the stipulation.

11 **SECTION 182.** 778.26 (9) of the statutes is amended to read:

12 778.26 (9) An officer who collects a forfeiture, ~~penalty assessment, jail~~
13 ~~assessment and crime laboratories and drug law enforcement assessment and~~ and
14 ~~costs, fees, and surcharges imposed under ch. 814,~~ under this section shall pay the
15 money to the county treasurer within 20 days after its receipt. If the officer fails to
16 make timely payment, the county treasurer may collect the payment from the officer
17 by an action in the treasurer's name of office and upon the official bond of the officer,
18 with interest at the rate of 12% per year from the time when it should have been paid.

19 **SECTION 183.** 778.30 (1) (b) of the statutes is amended to read:

20 778.30 (1) (b) Issue an order assigning not more than 25% of the defendant's
21 commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102, and
22 other money due or to be due in the future to the clerk of circuit court for payment
23 of the unpaid forfeiture, costs, ~~assessment, surcharge or restitution payment~~ fees or
24 surcharges. In this paragraph, "employer" includes the state and its political
25 subdivisions.

ASSEMBLY BILL 421**SECTION 184**

1 **SECTION 184.** 800.02 (2) (a) 8. of the statutes is amended to read:

2 800.02 **(2)** (a) 8. Notice that, if the defendant makes a deposit and fails to
3 appear in court at the time fixed in the citation, the defendant is deemed to have
4 tendered a plea of no contest and submits to a forfeiture, ~~penalty assessment, jail~~
5 ~~assessment, and crime laboratories and drug law enforcement assessment, any~~
6 ~~applicable consumer protection assessment, and any applicable domestic abuse~~
7 ~~assessment plus costs, including the fee prescribed in s. 814.65 (1) fees, and~~
8 surcharges imposed under ch. 814, not to exceed the amount of the deposit. The
9 notice shall also state that the court may decide to summon the defendant rather
10 than accept the deposit and plea.

11 **SECTION 185.** 800.02 (3) (a) 5. of the statutes is amended to read:

12 800.02 **(3)** (a) 5. A plain and concise statement of the violation identifying the
13 event or occurrence from which the violation arose and showing that the plaintiff is
14 entitled to relief, the ordinance, resolution, or bylaw upon which the cause of action
15 is based, and a demand for a forfeiture, the amount of which shall not exceed the
16 maximum set by the statute involved, ~~the penalty assessment, the jail assessment,~~
17 ~~the crime laboratories and drug law enforcement assessment, any applicable~~
18 ~~consumer protection assessment, any applicable domestic abuse assessment plus~~
19 costs, fees, and surcharges imposed under ch. 814, and such other relief that as is
20 sought by the plaintiff.

21 **SECTION 186.** 800.03 (3) of the statutes is amended to read:

22 800.03 **(3)** The amount of the deposit shall be set by the municipal judge, but
23 shall not be effective until approved by the governing body of the municipality. The
24 amount shall not exceed the maximum penalty for the offense, ~~including any penalty~~
25 ~~assessment that would be applicable under s. 757.05, any jail assessment that would~~

ASSEMBLY BILL 421

1 ~~be applicable under s. 302.46 (1), any crime laboratories and drug law enforcement~~
2 ~~assessment that would be applicable under s. 165.755, any consumer protection~~
3 ~~assessment that would be applicable under s. 100.261, and any domestic abuse~~
4 ~~assessment that would be applicable under s. 973.055 (1), plus court costs, including~~
5 ~~the fee prescribed in s. 814.65 (1) fees, and surcharges imposed under ch. 814.~~

6 **SECTION 187.** 800.04 (2) (b) of the statutes is amended to read:

7 800.04 (2) (b) If the municipal judge determines that the defendant should not
8 be released under par. (a) and the defendant is charged with a traffic or boating
9 violation, the municipal judge shall release the defendant on a deposit in the amount
10 established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66.
11 For other violations, the municipal judge shall establish a deposit in an amount not
12 to exceed the maximum penalty for the offense, ~~including any penalty assessment~~
13 ~~that would be applicable under s. 757.05, any jail assessment that would be~~
14 ~~applicable under s. 302.46 (1), any crime laboratories and drug law enforcement~~
15 ~~assessment that would be applicable under s. 165.755, any consumer protection~~
16 ~~assessment that would be applicable under s. 100.261, and any domestic abuse~~
17 ~~assessment that would be applicable under s. 973.055 (1) plus costs, fees, and~~
18 ~~surcharges imposed under ch. 814.~~ If the judge in a 1st class city determines that
19 a defendant appearing before the judge through interactive video and audio
20 transmission should not be released under par. (a), the judge shall inform the
21 defendant that he or she has the right to appear personally before a judge for a
22 determination, not prejudiced by the first appearance, as to whether he or she should
23 be released without a deposit. On failure of the defendant to make a deposit under
24 this paragraph, he or she may be committed to jail pending trial only if the judge finds
25 that there is a reasonable basis to believe the person will not appear in court.

ASSEMBLY BILL 421**SECTION 188**

1 **SECTION 188.** 800.04 (2) (c) of the statutes is amended to read:

2 800.04 **(2)** (c) If the defendant has made a deposit under par. (b) or s. 800.03
3 and does not appear, he or she is deemed to have tendered a plea of no contest and
4 submits to a forfeiture, ~~a penalty assessment imposed by s. 757.05, a jail assessment~~
5 ~~imposed by s. 302.46 (1), a crime laboratories and drug law enforcement assessment~~
6 ~~imposed by s. 165.755, any applicable consumer protection assessment imposed by~~
7 ~~s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1)~~
8 plus costs, including the fee prescribed in s. 814.65 (1) fees, and surcharges imposed
9 under ch. 814, not exceeding the amount of the deposit. The court may either accept
10 the plea of no contest and enter judgment accordingly, or reject the plea and issue a
11 summons. If the court finds that the violation meets the conditions in s. 800.093 (1),
12 the court may summon the alleged violator into court to determine if restitution shall
13 be ordered under s. 800.093. If the defendant fails to appear in response to the
14 summons, the court shall issue a warrant under s. 968.09. If the defendant has made
15 a deposit but does appear, the court shall allow the defendant to withdraw the plea
16 of no contest.

17 **SECTION 189.** 800.09 (1) (intro.) of the statutes is amended to read:

18 800.09 **(1)** JUDGMENT. (intro.) If a municipal court finds a defendant guilty, it
19 may render judgment by ordering restitution under s. 800.093 and payment of a
20 forfeiture, ~~the penalty assessment imposed by s. 757.05, the jail assessment imposed~~
21 ~~by s. 302.46 (1), the crime laboratories and drug law enforcement assessment~~
22 ~~imposed by s. 165.755, any applicable consumer protection assessment imposed by~~
23 ~~s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1)~~
24 plus costs of prosecution, including the fee prescribed in s. 814.65 (1), fees, and
25 surcharges imposed under ch. 814. The court shall apply any payment received on

ASSEMBLY BILL 421

1 a judgment that includes restitution to first satisfy any payment of restitution
2 ordered, then to pay the forfeiture, ~~assessments, and costs, fees, and surcharges~~. If
3 the judgment is not paid, the court may proceed under par. (a), (b), or (c) or any
4 combination of those paragraphs, as follows:

5 **SECTION 190.** 800.09 (1) (a) of the statutes is amended to read:

6 800.09 (1) (a) The court may defer payment of any judgment or provide for
7 installment payments. At the time that the judgment is rendered, the court shall
8 inform the defendant, orally and in writing, of the date by which restitution and the
9 payment of the forfeiture, ~~the penalty assessment, the jail assessment, the crime~~
10 ~~laboratories and drug law enforcement assessment, any applicable consumer~~
11 ~~protection assessment, and any applicable domestic abuse assessment plus costs,~~
12 fees, and surcharges imposed under ch. 814, must be made, and of the possible
13 consequences of failure to do so in timely fashion, including imprisonment, as
14 provided in s. 800.095, or suspension of the defendant's motor vehicle operating
15 privilege, as provided in par. (c), if applicable. If the defendant is not present, the
16 court shall ensure that the information is sent to the defendant by mail. In 1st class
17 cities, all of the written information required by this paragraph shall be printed in
18 English and Spanish and provided to each defendant.

19 **SECTION 191.** 800.09 (2) (b) of the statutes is amended to read:

20 800.09 (2) (b) If the person charged fails to appear personally or by an attorney
21 at the time fixed for hearing of the case, the defendant may be deemed to have
22 entered a plea of no contest and the money deposited, if any, or such portion thereof
23 as the court determines to be an adequate penalty, ~~plus the penalty assessment, the~~
24 ~~jail assessment, the crime laboratories and drug law enforcement assessment, any~~
25 ~~applicable consumer protection assessment, and any applicable domestic abuse~~

ASSEMBLY BILL 421**SECTION 191**

1 ~~assessment plus costs, including the fee prescribed in s. 814.65 (1) fees, and~~
2 ~~surcharges imposed under ch. 814,~~ may be declared forfeited by the court or may be
3 ordered applied upon the payment of any penalty which may be imposed, together
4 ~~with the penalty assessment, the jail assessment, the crime laboratories and drug~~
5 ~~law enforcement assessment, any applicable consumer protection assessment, and~~
6 ~~any applicable domestic abuse assessment plus costs, fees, and surcharges imposed~~
7 ~~under ch. 814.~~ If the court finds that the violation meets the conditions in s. 800.093
8 (1), the court may summon the alleged violator into court to determine if restitution
9 shall be ordered under s. 800.093. Any money remaining after payment of any
10 penalties, ~~assessments~~ surcharges, costs, fees, and restitution shall be refunded to
11 the person who made the deposit.

12 **SECTION 192.** 800.10 (2) of the statutes is amended to read:

13 800.10 (2) All forfeitures, fees, ~~penalty assessments, crime laboratories and~~
14 ~~drug law enforcement assessments, consumer protection assessments, domestic~~
15 ~~abuse assessments~~ surcharges, and costs paid to a municipal court under a judgment
16 before a municipal judge shall be paid to the municipal treasurer within 7 days after
17 receipt of the money by a municipal judge or other court personnel. At the time of
18 the payment, the municipal judge shall report to the municipal treasurer the title of
19 the action, the offense for which a forfeiture was imposed and the total amount of the
20 forfeiture, fees, ~~penalty assessments, crime laboratories and drug law enforcement~~
21 ~~assessments, consumer protection assessments, domestic abuse assessments~~
22 surcharges, and costs, if any. The treasurer shall disburse the fees as provided in s.
23 814.65 (1). All jail ~~assessments~~ surcharges paid to a municipal court under a
24 judgment before a municipal judge shall be paid to the county treasurer within 7
25 days after receipt of the money by a municipal judge or other court personnel.

ASSEMBLY BILL 421**SECTION 198**

1 814.85 (1) (a) Except for an action for a safety belt use violation under s. 347.48
2 (2m), the clerk of circuit court shall charge and collect a \$52 court support services
3 fee surcharge from any person, including any governmental unit, as defined in s.
4 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

5 (b) Notwithstanding par. (a), the clerk of circuit court shall charge and collect
6 a \$130 court support services fee surcharge from any person, including any
7 governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a)
8 or (3) or 814.62 (1) or (2), if the party paying the fee seeks the recovery of money and
9 the amount claimed exceeds the amount under s. 799.01 (1) (d).

10 (c) Notwithstanding par. (a), the clerk of circuit court shall charge and collect
11 a \$39 court support services fee surcharge from any person, including any
12 governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.62 (3) (a)
13 or (b), or paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2) if the party
14 paying the fee seeks the recovery of money and the amount claimed is equal to or less
15 than the amount under s. 799.01 (1) (d).

16 **SECTION 199.** 814.634 (1) (d) of the statutes is renumbered 814.85 (1) (d) and
17 amended to read:

18 814.85 (1) (d) The court support services fee surcharge is in addition to the
19 other fees listed in this subsection.

20 **SECTION 200.** 814.634 (2) of the statutes is renumbered 814.85 (2).

21 **SECTION 201.** 814.635 of the statutes is renumbered 814.86, and 814.86 (title),
22 (1) and (1m), as renumbered, are amended to read:

23 **814.86 (title) Justice information system fee surcharge and special**
24 **prosecution clerks fee surcharge. (1)** Except for an action for a safety belt use
25 violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$9

ASSEMBLY BILL 421

1 justice information system fee surcharge from any person, including any
2 governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a),
3 (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information
4 system fee surcharge is in addition to the ~~other fees~~ surcharge listed in this section.

5 **(1m)** Beginning on October 1, 1995, whenever the clerk of circuit court for
6 Milwaukee County charges and collects a fee surcharge under sub. (1), he or she shall
7 also charge and collect a \$2 special prosecution clerks fee surcharge. The special
8 prosecution clerks fee surcharge is in addition to the ~~other fees~~ surcharge listed in
9 sub. (1).

10 **SECTION 202.** Subchapter III of chapter 814 [precedes 814.75] of the statutes
11 is created to read:

CHAPTER 814**SUBCHAPTER III****SURCHARGES**

15 **814.75 Court-imposed surcharges.** The following surcharges shall be
16 imposed by the court, in addition to the fine or forfeiture and costs and fees imposed
17 under this chapter, if applicable:

18 **(1)** The consumer information surcharge under s. 100.261.

19 **(2)** The court support services surcharge under s. 814.85.

20 **(3)** The crime laboratories and drug law enforcement surcharge under s.
21 165.755.

22 **(4)** The crime prevention organization contribution surcharge under s. 753.40,
23 973.06 (1) (f), or 973.09 (1x).

24 **(5)** The crime victim and witness surcharge under s. 973.045.

25 **(6)** The delinquency victim and witness surcharge under s. 938.34 (8d) (a).

ASSEMBLY BILL 421

- 1 (7) The deoxyribonucleic acid analysis surcharge under s. 973.046.
- 2 (8) The domestic abuse surcharge under s. 971.37 (1m) (c) 1. or 973.055.
- 3 (9) The driver improvement surcharge under s. 346.655.
- 4 (10) The drug abuse program improvement surcharge under s. 961.41 (5).
- 5 (12) The environmental surcharge under s. 299.93.
- 6 (13) The fishing shelter removal surcharge under s. 29.985.
- 7 (14) The jail surcharge under s. 302.46 (1).
- 8 (15) The justice information system surcharge under s. 814.86 (1).
- 9 (16) The natural resources surcharge under s. 29.987 or 169.46 (1).
- 10 (17) The natural resources restitution surcharge under s. 29.989 or 169.46 (2).
- 11 (18) The penalty surcharge under s. 757.05.
- 12 (19) The railroad crossing improvement surcharge under s. 346.177, 346.495,
13 or 346.65 (4r).
- 14 (20) The restitution surcharge under s. 973.06 (1) (g) or 973.20 (11) (a).
- 15 (21) The snowmobile registration restitution surcharge under s. 350.115.
- 16 (22) The special prosecution clerks surcharge under s. 814.86 (1m).
- 17 (22m) The supplemental food enforcement surcharge under s. 253.06 (4) (c).
- 18 (23) The truck driver education surcharge under s. 349.04.
- 19 (24) The uninsured employer surcharge under s. 102.85 (4).
- 20 (25) The weapons surcharge under s. 167.31 (5).
- 21 (26) The wild animal protection surcharge under s. 29.983.
- 22 **814.76 Surcharges in criminal actions.** In addition to any fine imposed in
23 a criminal action, a defendant shall pay the following surcharges if applicable:
- 24 (1) The consumer information surcharge under s. 100.261.

ASSEMBLY BILL 421

- 1 **(2)** The crime laboratories and drug law enforcement surcharge under s.
2 165.755.
- 3 **(3)** The crime prevention organization contribution surcharge under s. 753.40,
4 973.06 (1) (f), or 973.09 (1x).
- 5 **(4)** The crime victim and witness surcharge under s. 973.045.
- 6 **(5)** The deoxyribonucleic acid analysis surcharge under s. 973.046.
- 7 **(6)** The domestic abuse surcharge under s. 971.37 (1m) (c) 1. or 973.055.
- 8 **(7)** The driver improvement surcharge under s. 346.655.
- 9 **(8)** The drug abuse program improvement surcharge under s. 961.41 (5).
- 10 **(10)** The environmental surcharge under s. 299.93.
- 11 **(11)** The jail surcharge under s. 302.46 (1).
- 12 **(12)** The natural resources surcharge under s. 29.987 or 169.46 (1).
- 13 **(13)** The natural resources restitution surcharge under s. 29.989 or 169.46 (2).
- 14 **(14)** The penalty surcharge under s. 757.05.
- 15 **(15)** The restitution surcharge under s. 973.06 (1) (g) or 973.20 (11) (a).
- 16 **(15m)** The supplemental food enforcement surcharge under s. 253.06 (4) (c).
- 17 **(16)** The truck driver education surcharge under s. 349.04.
- 18 **(17)** The uninsured employer surcharge under s. 102.85 (4).
- 19 **(18)** The weapons surcharge under s. 167.31 (5).
- 20 **(19)** The wild animal protection surcharge under s. 29.983.
- 21 **814.77 Surcharges in ch. 23 forfeiture actions.** In addition to any
22 forfeiture imposed in an action under s. 23.50, a defendant shall pay the following
23 surcharges if applicable:
- 24 **(1)** The court support services surcharge under s. 814.85.

ASSEMBLY BILL 421

1 **(2)** The crime laboratories and drug law enforcement surcharge under s.
2 165.755.

3 **(3)** The crime prevention organization contribution surcharge under s. 753.40,
4 973.06 (1) (f), or 973.09 (1x).

5 **(4)** The delinquency victim and witness surcharge under s. 938.34 (8d) (a).

6 **(5)** The environmental surcharge under s. 299.93.

7 **(6)** The fishing shelter removal surcharge under s. 29.985.

8 **(7)** The jail surcharge under s. 302.46 (1).

9 **(8)** The justice information system surcharge under s. 814.86 (1).

10 **(9)** The natural resources surcharge under s. 29.987 or 169.46 (1).

11 **(10)** The natural resources restitution surcharge under s. 29.989 or 169.46 (2).

12 **(11)** The penalty surcharge under s. 757.05.

13 **(12)** The snowmobile registration restitution surcharge under s. 350.115.

14 **(13)** The special prosecution clerks surcharge under s. 814.86 (1m).

15 **(14)** The weapons surcharge under s. 167.31 (5).

16 **(15)** The wild animal protection surcharge under s. 29.983.

17 **814.78 Surcharges in ch. 66 forfeiture actions.** In addition to any
18 forfeiture imposed in an action under s. 66.0113 or 66.0114, a defendant shall pay the
19 following surcharges if applicable:

20 **(1)** The consumer information surcharge under s. 100.261.

21 **(2)** The court support services surcharge under s. 814.85.

22 **(3)** The crime laboratories and drug law enforcement surcharge under s.
23 165.755.

24 **(4)** The crime prevention organization contribution surcharge under s. 753.40,
25 973.06 (1) (f), or 973.09 (1x).

ASSEMBLY BILL 421

- 1 **(5)** The delinquency victim and witness surcharge under s. 938.34 (8d) (a).
- 2 **(7)** The driver improvement surcharge under s. 346.655.
- 3 **(8)** The jail surcharge under s. 302.46 (1).
- 4 **(9)** The justice information system surcharge under s. 814.86 (1).
- 5 **(10)** The penalty surcharge under s. 757.05.
- 6 **(11)** The special prosecution clerks surcharge under s. 814.86 (1m).
- 7 **(12)** The truck driver education surcharge under s. 349.04.
- 8 **814.79 Surcharges in ch. 345 forfeiture actions.** In addition to any
- 9 forfeiture imposed in an action under s. 345.20, a defendant shall pay the following
- 10 surcharges if applicable:
- 11 **(1)** The court support services surcharge under s. 814.85.
- 12 **(2)** The crime laboratories and drug law enforcement surcharge under s.
- 13 165.755.
- 14 **(3)** The crime prevention organization contribution surcharge under s. 753.40,
- 15 973.06 (1) (f), or 973.09 (1x).
- 16 **(4)** The delinquency victim and witness surcharge under s. 938.34 (8d) (a).
- 17 **(4m)** The driver improvement surcharge under s. 346.655.
- 18 **(5)** The jail surcharge under s. 302.46 (1).
- 19 **(6)** The justice information system surcharge under s. 814.86 (1).
- 20 **(7)** The penalty surcharge under s. 757.05.
- 21 **(8)** The railroad crossing improvement surcharge under s. 346.177, 346.495,
- 22 or 346.65 (4r).
- 23 **(9)** The special prosecution clerks surcharge under s. 814.86 (1m).
- 24 **(10)** The truck driver education surcharge under s. 349.04.

ASSEMBLY BILL 421**SECTION 202**

1 **814.80 Surcharges in ch. 778 forfeiture actions.** In addition to any
2 forfeiture imposed in an action under ch. 778, a defendant shall pay the following
3 surcharges if applicable:

4 **(1)** The consumer information surcharge under s. 100.261.

5 **(2)** The court support services surcharge under s. 814.85.

6 **(3)** The crime laboratories and drug law enforcement surcharge under s.
7 165.755.

8 **(4)** The crime prevention organization contribution surcharge under s. 753.40,
9 973.06 (1) (f), or 973.09 (1x).

10 **(5)** The delinquency victim and witness surcharge under s. 938.34 (8d) (a).

11 **(6)** The domestic abuse surcharge under s. 971.37 (1m) (c) 1. or 973.055.

12 **(7)** The jail surcharge under s. 302.46 (1).

13 **(8)** The justice information system surcharge under s. 814.86 (1).

14 **(9)** The penalty surcharge under s. 757.05.

15 **(10)** The special prosecution clerks surcharge under s. 814.86 (1m).

16 **(11)** The supplemental food enforcement surcharge under s. 253.06 (4) (c).

17 **814.81 Surcharges in ch. 800 forfeiture actions.** In addition to any
18 forfeiture imposed in an action under ch. 800, a defendant shall pay the following
19 surcharges if applicable:

20 **(1)** The consumer information surcharge under s. 100.261.

21 **(3)** The crime laboratories and drug law enforcement surcharge under s.
22 165.755.

23 **(4)** The crime prevention organization contribution surcharge under s. 753.40,
24 973.06 (1) (f), or 973.09 (1x).

25 **(6)** The domestic abuse surcharge under s. 971.37 (1m) (c) 1. or 973.055.

ASSEMBLY BILL 421

1 **(7)** The jail surcharge under s. 302.46 (1).

2 **(9)** The penalty surcharge under s. 757.05.

3 **SECTION 203.** 938.237 (2) of the statutes is amended to read:

4 938.237 **(2)** The procedures for issuance and filing of a citation, and for
5 forfeitures, stipulations, and deposits in ss. 23.50 to 23.67, 23.75 (3) and (4), s.
6 66.0113, 778.25, 778.26, and 800.01 to 800.04 except s. 800.04 (2) (b), when the
7 citation is issued by a law enforcement officer, shall be used as appropriate, except
8 that this chapter shall govern taking and holding a juvenile in custody, s. 938.37 shall
9 govern costs, ~~penalty assessments and jail assessments~~ fees, and surcharges
10 imposed under ch. 814, and a *capias* shall be substituted for an arrest warrant.
11 Sections 66.0113 (3) (c) and (d), s. 66.0114 (1), and 778.10 as they relate to collection
12 of forfeitures do not apply.

13 **SECTION 204.** 938.37 (1) of the statutes is amended to read:

14 938.37 **(1)** A court assigned to exercise jurisdiction under this chapter and ch.
15 48 may not assess impose costs, fees, or assessments surcharges under ch. 814
16 against a juvenile under 14 years of age ~~but~~. A court may assess impose costs, fees,
17 and surcharges under ch. 814 against a juvenile 14 years of age or older.

18 **SECTION 205.** 938.37 (3) of the statutes is amended to read:

19 938.37 **(3)** Notwithstanding sub. (1), courts of civil and criminal jurisdiction
20 exercising jurisdiction under s. 938.17 may assess the same costs, ~~penalty~~
21 ~~assessments and jail assessments~~ fees, and surcharges imposed under ch. 814
22 against juveniles as they may assess against adults, except that witness fees may not
23 be charged to the juvenile.

24 **SECTION 206.** 961.41 (5) (a) of the statutes is amended to read:

ASSEMBLY BILL 421**SECTION 206**

1 961.41 (5) (a) When a court imposes a fine for a violation of this section, it shall
2 also impose a drug abuse program improvement surcharge under ch. 814 in an
3 amount of 50% of the fine and penalty ~~assessment~~ surcharge imposed.

4 **SECTION 207.** 971.37 (1m) (c) 1. (intro.) of the statutes is amended to read:

5 971.37 (1m) (c) 1. (intro.) The agreement may provide as one of its conditions
6 that a person covered under sub. (1) (b) or (c) pay the domestic abuse ~~assessment~~
7 surcharge under s. 973.055. Payments and collections under this subdivision are
8 subject to s. 973.055 (2) to (4), except as follows:

9 **SECTION 208.** 971.37 (1m) (c) 1. a. of the statutes is amended to read:

10 971.37 (1m) (c) 1. a. The district attorney shall determine the amount due. The
11 district attorney may authorize less than a full ~~assessment~~ surcharge if he or she
12 believes that full payment would have a negative impact on the offender's family.
13 The district attorney shall provide the clerk of circuit court with the information
14 necessary to comply with subd. 1. b.

15 **SECTION 209.** 973.05 (1) of the statutes is amended to read:

16 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant
17 permission for the payment of the fine, ~~the penalty assessment imposed by s. 757.05,~~
18 ~~the jail assessment imposed by s. 302.46 (1), the crime victim and witness assistance~~
19 ~~surcharge under s. 973.045, the crime laboratories and drug law enforcement~~
20 ~~assessment imposed by s. 165.755, any applicable deoxyribonucleic acid analysis~~
21 ~~surcharge under s. 973.046, any applicable drug abuse program improvement~~
22 ~~surcharge imposed by s. 961.41 (5), any applicable consumer protection assessment~~
23 ~~imposed by s. 100.261, any applicable domestic abuse assessment imposed by s.~~
24 ~~971.37 (1m) (c) 1. or 973.055, any applicable driver improvement surcharge imposed~~
25 ~~by s. 346.655, any applicable truck driver education assessment imposed by s.~~

ASSEMBLY BILL 421

1 ~~349.04, any applicable enforcement assessment imposed by s. 253.06 (4) (c), any~~
2 ~~applicable weapons assessment imposed by s. 167.31, any applicable uninsured~~
3 ~~employer assessment imposed by s. 102.85 (4), any applicable environmental~~
4 ~~assessment imposed by s. 299.93, any applicable wild animal protection assessment~~
5 ~~imposed by s. 29.983, any applicable natural resources assessment imposed by s.~~
6 ~~29.987 or 169.46 (1), and any applicable natural resources restitution payment~~
7 ~~imposed by s. 29.989 or 169.46 (2) plus costs, fees, and surcharges imposed under ch.~~
8 ~~814, to be made within a period not to exceed 60 days. If no such permission is~~
9 ~~embodied in the sentence, the fine, the penalty assessment, the jail assessment, the~~
10 ~~crime victim and witness assistance surcharge, the crime laboratories and drug law~~
11 ~~enforcement assessment, any applicable deoxyribonucleic acid analysis surcharge,~~
12 ~~any applicable drug abuse program improvement surcharge, any applicable~~
13 ~~consumer protection assessment, any applicable domestic abuse assessment, any~~
14 ~~applicable driver improvement surcharge, any applicable truck driver education~~
15 ~~assessment, any applicable enforcement assessment, any applicable weapons~~
16 ~~assessment, any applicable uninsured employer assessment, any applicable~~
17 ~~environmental assessment, any applicable wild animal protection assessment, any~~
18 ~~applicable natural resources assessment, and any applicable natural resources~~
19 ~~restitution payment plus costs, fees, and surcharges imposed under ch. 814, shall be~~
20 payable immediately.

21 **SECTION 210.** 973.05 (2) of the statutes is amended to read:

22 973.05 (2) When a defendant is sentenced to pay a fine and is also placed on
23 probation, the court may make the payment of the fine, ~~the penalty assessment, the~~
24 ~~jail assessment, the crime victim and witness assistance surcharge, the crime~~
25 ~~laboratories and drug law enforcement assessment, any applicable deoxyribonucleic~~

ASSEMBLY BILL 421**SECTION 210**

1 ~~acid analysis surcharge, any applicable drug abuse program improvement~~
2 ~~surcharge, any applicable consumer protection assessment, any applicable domestic~~
3 ~~abuse assessment, any applicable uninsured employer assessment, any applicable~~
4 ~~driver improvement surcharge, any applicable truck driver education assessment,~~
5 ~~any applicable enforcement assessment under s. 253.06 (4) (c), any applicable~~
6 ~~weapons assessment, any applicable environmental assessment, any applicable wild~~
7 ~~animal protection assessment, any applicable natural resources assessment, and~~
8 ~~any applicable natural resources restitution payments plus costs, fees, and~~
9 ~~surcharges imposed under ch. 814, a condition of probation. When the payments are~~
10 ~~made a condition of probation by the court, payments thereon~~

11 (2m) Payments under this section shall be applied first to payment of the
12 penalty assessment surcharge until paid in full, shall then be applied to the payment
13 of the jail assessment surcharge until paid in full, shall then be applied to the
14 payment of part A of the crime victim and witness assistance surcharge until paid
15 in full, shall then be applied to part B of the crime victim and witness assistance
16 surcharge until paid in full, shall then be applied to the crime laboratories and drug
17 law enforcement assessment surcharge until paid in full, shall then be applied to the
18 deoxyribonucleic acid analysis surcharge until paid in full, shall then be applied to
19 the drug abuse program improvement surcharge until paid in full, shall then be
20 applied to payment of the driver improvement surcharge until paid in full, shall then
21 be applied to the truck driver education assessment surcharge if applicable until
22 paid in full, shall then be applied to payment of the domestic abuse assessment
23 surcharge until paid in full, shall then be applied to payment of the consumer
24 protection assessment surcharge until paid in full, shall then be applied to payment
25 of the natural resources assessment surcharge if applicable until paid in full, shall

ASSEMBLY BILL 421

1 then be applied to payment of the natural resources restitution ~~payment~~ surcharge
2 until paid in full, shall then be applied to the payment of the environmental
3 ~~assessment~~ surcharge if applicable until paid in full, shall then be applied to the
4 payment of the wild animal protection ~~assessment~~ surcharge if applicable until paid
5 in full, shall then be applied to payment of the weapons ~~assessment~~ surcharge until
6 paid in full, shall then be applied to payment of the uninsured employer ~~assessment~~
7 surcharge until paid in full, shall then be applied to payment of the enforcement
8 ~~assessment~~ surcharge under s. 253.06 (4) (c), if applicable, until paid in full, and shall
9 then be applied to payment of the fine and the costs and fees imposed under ch. 814.

10 **SECTION 211.** 973.05 (3) (a) of the statutes is amended to read:

11 973.05 (3) (a) In lieu of part or all of a fine imposed by a court, the court may
12 stay the execution of part or all of the sentence and provide that the defendant
13 perform community service work under pars. (b) and (c). ~~The amount of the fine~~
14 ~~actually paid, if any, shall be used to determine any applicable assessment or~~
15 ~~surcharge under sub. (1), except that any~~ Any applicable driver improvement
16 surcharge under s. 346.655 or any domestic abuse ~~assessment imposed by~~ surcharge
17 under s. 973.055 shall be imposed under ch. 814 regardless of whether part or all of
18 the sentence has been stayed. If the defendant fails to comply with the community
19 service order, the court shall order the defendant brought before the court for
20 imposition of sentence. If the defendant complies with the community service order,
21 he or she has satisfied that portion of the sentence.

22 **SECTION 212.** 973.05 (4) of the statutes is amended to read:

23 973.05 (4) If a defendant fails to pay the fine, ~~assessment, surcharge or~~
24 ~~restitution payment, costs, or fees~~ within the period specified under sub. (1) or (1m),
25 the court may do any of the following:

ASSEMBLY BILL 421**SECTION 212**

1 (a) Issue a judgment for the unpaid amount and direct the clerk to file and
2 docket a transcript of the judgment, without fee. If the court issues a judgment for
3 the unpaid amount, the court shall send to the defendant at his or her last-known
4 address written notification that a civil judgment has been issued for the unpaid fine,
5 ~~assessment, surcharge or restitution payment, costs, or fees.~~ The judgment has the
6 same force and effect as judgments docketed under s. 806.10.

7 (b) Issue an order assigning not more than 25% of the defendant's commissions,
8 earnings, salaries, wages, pension benefits, benefits under ch. 102, and other money
9 due or to be due in the future to the clerk of circuit court for payment of the unpaid
10 fine, ~~assessment, surcharge or restitution payment, costs, or fees.~~ In this paragraph,
11 "employer" includes the state and its political subdivisions.

12 (c) Issue an order assigning lottery prizes won by a defendant whose name is
13 on the list supplied to the clerk of circuit court under s. 565.30 (5r) (a), for payment
14 of the unpaid fine, ~~assessment, surcharge or restitution payment, costs, or fees.~~

15 **SECTION 213.** 973.055 (1) (intro.) of the statutes is amended to read:

16 973.055 (1) (intro.) If a court imposes a sentence on an adult person or places
17 an adult person on probation, regardless of whether any fine is imposed, the court
18 shall impose a domestic abuse ~~assessment~~ surcharge under ch. 814 of \$50 for each
19 offense if:

20 **SECTION 214.** 973.055 (2) (a) of the statutes is amended to read:

21 973.055 (2) (a) If the ~~assessment~~ surcharge is imposed by a court of record, after
22 the court determines the amount due, the clerk of the court shall collect and transmit
23 the amount to the county treasurer as provided in s. 59.40 (2) (m). The county
24 treasurer shall then make payment to the state treasurer as provided in s. 59.25 (3)
25 (f) 2.

ASSEMBLY BILL 421

1 **SECTION 215.** 973.055 (2) (b) of the statutes is amended to read:

2 973.055 **(2)** (b) If the assessment surcharges is imposed by a municipal court,
3 after a determination by the court of the amount due, the court shall collect and
4 transmit the amount to the treasurer of the county, city, town, or village, and that
5 treasurer shall make payment to the state treasurer as provided in s. 66.0114 (1)
6 (bm).

7 **SECTION 216.** 973.055 (3) of the statutes is amended to read:

8 973.055 **(3)** All moneys collected from domestic abuse assessments surcharges
9 shall be deposited by the state treasurer in s. 20.435 (3) (hh) and utilized in
10 accordance with s. 46.95.

11 **SECTION 217.** 973.055 (4) of the statutes is amended to read:

12 973.055 **(4)** A court may waive part or all of the domestic abuse assessment
13 surcharges under this section if it determines that the imposition of the full
14 assessment surcharges would have a negative impact on the offender's family.

15 **SECTION 218.** 973.06 (title) of the statutes is amended to read:

16 **973.06 (title) Costs, fees, and surcharges.**

17 **SECTION 219.** 973.06 (1) (intro.) of the statutes is amended to read:

18 973.06 **(1)** (intro.) Except as provided in s. 93.20, the costs, fees, and surcharges
19 taxable against the defendant shall consist of the following items and no others:

20 **SECTION 220.** 973.06 (1) (f) 1. (intro.) of the statutes is amended to read:

21 973.06 **(1)** (f) 1. (intro.) An amount determined by the court to make a
22 reasonable contribution surcharges to any of the following, if the court determines
23 that the person has the financial ability to make the contribution surcharges and the
24 contribution surcharges is appropriate:

25 **SECTION 221.** 973.06 (1) (f) 2. of the statutes is amended to read:

ASSEMBLY BILL 421**SECTION 221**

1 973.06 (1) (f) 2. If the court does require a person to make a contribution
2 surcharges to an organization or agency specified in subd. 1. but does not require the
3 person to pay any fine that may be imposed for the offense or court costs, the court
4 shall state on the record the reasons why it is not requiring the person to pay the fine
5 or court costs. ~~All contributions~~ contribution surcharges made under this paragraph
6 shall be made to the clerk of circuit court for distribution to the organization or
7 agency specified in subd. 1. The court may not order a person to make a contribution
8 surcharges under this paragraph to a crime prevention organization that has not
9 complied with the provisions of s. 757.17.

10 **SECTION 222.** 973.07 of the statutes is amended to read:

11 **973.07 Failure to pay fine, fees, surcharges, or costs or to comply with**
12 **certain community service work.** If the fine, plus costs, ~~penalty assessment, jail~~
13 ~~assessment, crime victim and witness assistance surcharge, crime laboratories and~~
14 ~~drug law enforcement assessment, applicable deoxyribonucleic acid analysis~~
15 ~~surcharges, applicable drug abuse program improvement surcharge, applicable~~
16 ~~consumer protection assessment, applicable domestic abuse assessment, applicable~~
17 ~~driver improvement surcharge, applicable truck driver education assessment,~~
18 ~~applicable enforcement assessment under s. 253.06 (4) (c), applicable weapons~~
19 ~~assessment, applicable uninsured employer assessment, applicable environmental~~
20 ~~assessment, applicable wild animal protection assessment, applicable natural~~
21 ~~resources assessment, and applicable natural resources restitution payments fees,~~
22 and surcharges imposed under ch. 814, are not paid or community service work
23 under s. 943.017 (3) is not completed as required by the sentence, the defendant may
24 be committed to the county jail until the fine, costs, ~~penalty assessment, jail~~
25 ~~assessment, crime victim and witness assistance surcharge, crime laboratories and~~

ASSEMBLY BILL 421

1 ~~drug law enforcement assessment, applicable deoxyribonucleic acid analysis~~
2 ~~surcharges, applicable drug abuse program improvement surcharge, applicable~~
3 ~~consumer protection assessment, applicable domestic abuse assessment, applicable~~
4 ~~driver improvement surcharge, applicable truck driver education assessment,~~
5 ~~applicable enforcement assessment under s. 253.06 (4) (c), applicable weapons~~
6 ~~assessment, applicable uninsured employer assessment, applicable environmental~~
7 ~~assessment, applicable wild animal protection assessment, applicable natural~~
8 ~~resources assessment or applicable natural resources restitution payments fees, and~~
9 ~~surcharges are paid or discharged, or the community service work under s. 943.017~~
10 (3) is completed, for a period fixed by the court not to exceed 6 months.

11 **SECTION 223.** 973.09 (1x) of the statutes is amended to read:

12 973.09 (1x) (a) If the court places a person on probation, the court may require,
13 under ch. 814, that the probationer make a contribution surcharges to an organization
14 or agency specified in s. 973.06 (1) (f) 1. if the court determines that the probationer
15 has the financial ability to make the contribution surcharges.

16 (b) If the court does require a person to make a contribution surcharges to an
17 organization or agency specified in s. 973.06 (1) (f) 1. but does not require the person
18 to pay any fine that may be imposed for the offense or court costs, the court shall state
19 on the record the reasons why it is not requiring the person to pay the fine or court
20 costs. ~~All contributions~~ contribution surcharges made under this subsection shall be
21 made to the clerk of circuit court for distribution to the organization or agency
22 specified in s. 973.06 (1) (f) 1. The court may not require a person to make a
23 contribution surcharges under this subsection to an organization or agency specified
24 in s. 973.06 (1) (f) 1. that has not complied with the provisions of s. 757.17.

25 **SECTION 224.** 973.20 (11) (a) of the statutes is amended to read:

ASSEMBLY BILL 421**SECTION 224**

1 973.20 (11) (a) Except as otherwise provided in this paragraph, the restitution
2 order shall require the defendant to deliver the amount of money or property due as
3 restitution to the department for transfer to the victim or other person to be
4 compensated by a restitution order under this section. If the defendant is not placed
5 on probation or sentenced to prison, the court may order that restitution be paid to
6 the clerk of court for transfer to the appropriate person. The court shall require
7 impose on the defendant to pay a restitution surcharge under ch. 814 equal to 5% of
8 the total amount of any restitution, costs and, attorney fees and any, court fees, fines,
9 and related payments surcharges ordered under s. 973.05 (1) and imposed under ch.
10 814, which shall be paid to the department or the clerk of court for administrative
11 expenses under this section.

12 **SECTION 225.** 973.20 (12) (a) of the statutes is amended to read:

13 973.20 (12) (a) If the court orders restitution in addition to the payment of fines,
14 related payments costs, fees, and surcharges under s. ss. 973.05 and costs under s.
15 973.06 and ch. 814, it shall set the amount of fines, related payments and costs, fees,
16 and surcharges in conjunction with the amount of restitution and issue a single
17 order, signed by the judge, covering all of the payments. If the costs for legal
18 representation by a private attorney appointed under s. 977.08 are not established
19 at the time of issuance of the order, the court may revise the order to include those
20 costs at a later time.

21 **SECTION 226.** 973.20 (12) (b) of the statutes is amended to read:

22 973.20 (12) (b) Except as provided in par. (c), payments shall be applied first
23 to satisfy the ordered restitution in full, then to pay any fines or related payments
24 surcharges under s. 973.05, then to pay costs, fees, and surcharges under ch. 814

ASSEMBLY BILL 421

1 other than attorney fees and finally to reimburse county or state costs of legal
2 representation.

3 **SECTION 227. Initial applicability.**

4 (1) This act first applies to actions commenced on the effective date of this
5 subsection.

6 **SECTION 228m. Effective dates.** This act takes effect on January 1, 2004, or
7 on the day after publication, whichever is later, except as follows:

8 (1x) The renumbering of section 14.58 (22) of the statutes takes effect on July
9 1, 2004.

10 (END)