

2005 DRAFTING REQUEST

Bill

Received: **10/15/2004**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Statz**

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - guns and weapons**

Extra Copies: **MGD**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**

Pre Topic:

DOA:.....Statz, BB0198 -

Topic:

Victim and witness assistance surcharges

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman 12/06/2004	jdyer 12/07/2004	rschluet 12/07/2004	_____	lemery 12/07/2004		S&L
/P2	chanaman 12/16/2004	jdyer 12/20/2004	pgreensl 12/20/2004	_____	lemery 12/20/2004		S&L
/P3	chanaman 01/18/2005	jdyer 01/18/2005	rschluet 01/18/2005	_____	lemery 01/18/2005		S&L

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/P2	chanaman 12/16/2004	jdyer 12/20/2004	pgreensl 12/20/2004	_____	lemery 12/20/2004		S&L

FE Sent For:

P3 1/18 jld

[Handwritten signature]
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p2 12/20 jld
12/20 bo
12/20 pro
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p8

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DOA:.....Statz, BB0198 -

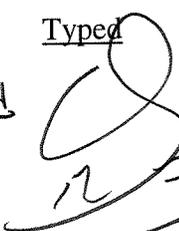
Topic:

Victim and witness assistance surcharges

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman	11/27 jld					S&L

FE Sent For:

<END>

2005-07 Budget Bill Statutory Language Drafting Request

- Topic: Surcharges for victim services.
- Tracking Code: (Assigned by Government Operations Team)
- SBO team: Tax and Justice
- SBO analyst: Roger Mukasa
 - Phone: 7-0370
 - Email: Roger.Mukasa@doa.state.wi.us
- Agency acronym: DOJ
- Agency number: 455

BB0198

0023/01

10539

Department of Administration (DOA) Drafting Request to the Legislative Reference Bureau

- Draft for Possible 2005-07 Budget Bill Introduction
- Draft for Possible Introduction as Department-sponsored or Independent Bill

Subject:	Department of Justice
Request Date:	October 13, 2004
DOA Contact for Drafting Information (phone):	Roger Mukasa, 7-0370 John Koskinen, 6-2081

Brief Description of Intent:

973.045

✓ Increasing Part A Crime Victim and Witness Assistance surcharges from \$30 to \$40 for misdemeanors and \$50 to \$65 respectively.

Modifying Part A Crime Victim and Witness Assistance surcharge language, to include cases in which the court imposes a forfeiture or approves a diversion agreement to the circumstances under which the surcharge is imposed, and to specify amounts to be charged in these cases.

} cancel this part of request per Andrew Stag

Statutory Changes Proposed:

See intent.

~~define to include -
973
961.465
961.47
968~~

Related Statutory Citations (if appropriate):

Not known.

Additional Material(s) attached.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0539/P1

CMH:.....

Jld

LPS - request + steep fixed

d-note

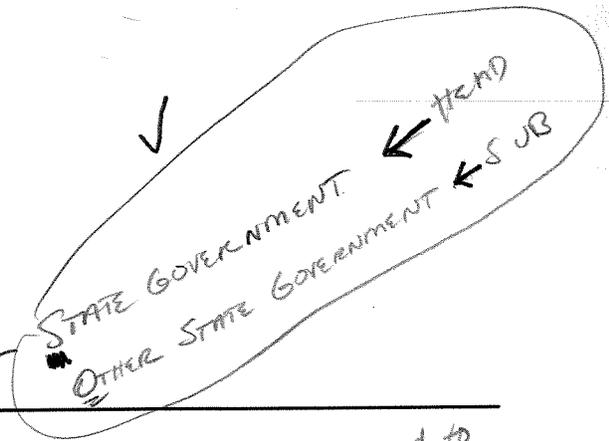
SOON

DOA:.....Mukasa, BB0198 - Victim and witness assistance surcharges

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

STATZ

don't forget



1 AN ACT ... relating to: the budget.

Analysis by the Legislative Reference Bureau

Under current law, if a court imposes a sentence or places a person on probation, the court must impose a crime victim and witness assistance surcharge. The surcharge must be \$50 for each misdemeanor offense or count (misdemeanor) and \$70 for each felony offense or count (felony). The secretary of administration must use \$30 for each misdemeanor and \$50 for each felony to reimburse counties for services to victims and witnesses of crimes, such as court appearance notification services, victim compensation, social services referrals, escort and other transportation services related to the investigation or prosecution of the case, protection services, and family support services, including child and other dependent care services. The secretary of administration must credit \$20 for each misdemeanor and \$20 for each felony to provide grants to eligible organizations to provide services for sexual assault victims.

This draft increases the surcharge amount to \$60 for each misdemeanor and \$85 for each felony. The secretary of administration must use \$40 for each misdemeanor and \$65 for each felony to reimburse counties for services to victims and witnesses of crimes such as those listed above.

bill

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such as those listed above

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 973.045 (1) (a) of the statutes is amended to read:

2 973.045 (1) (a) For each misdemeanor offense or count, \$50 ~~\$60~~.

3 History: 1983 a. 27; 1987 a. 27; 1989 a. 31; 1993 a. 16; 1995 a. 201; 2003 a. 33.
4 SECTION 2. 973.045 (1) (b) of the statutes is amended to read:

5 973.045 (1) (b) For each felony offense or count, \$70 ~~\$85~~.

6 History: 1983 a. 27; 1987 a. 27; 1989 a. 31; 1993 a. 16; 1995 a. 201; 2003 a. 33.
7 SECTION 3. 973.045 (3) (a) 1. of the statutes is amended to read:

8 973.045 (3) (a) 1. Part A equals \$30 ~~\$40~~ for each misdemeanor offense or count
9 and \$50 ~~\$65~~ for each felony offense or count.

10 History: 1983 a. 27; 1987 a. 27; 1989 a. 31; 1993 a. 16; 1995 a. 201; 2003 a. 33.
11 SECTION 9329. Initial applicability; justice.

12 (1) CRIME VICTIM AND WITNESS SURCHARGES DISTRIBUTION. The treatment of
13 section 973.045 (3) (a) 1. of the statutes first applies to moneys collected from crime
14 victim and witness surcharges on the effective date of this subsection.

15 (2) CRIME VICTIM AND WITNESS SURCHARGES AMOUNT. The treatment of section
973.045 (1) (a) and (b) of the statutes first applies to surcharges imposed on the
effective date of this subsection.

(END)

15

SECTION 9429. Effective dates / justice.

(#) The treatment of section 973.045 (1) (a) and (b) and (3) (a) 1. of the statutes take effect on the first day of the 3rd month beginning after publication.

Andrew: please review the effective date of the draft. Is that delay sufficient?
cm #

NOTE 05-0539/plam
cm #: jld

that all imposed

auto ref A

auto ref B

auto ref A

auto ref B

Section 9329 (CS)

n.r.

letter

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0539/P1dn
CMH:jld:rs

December 7, 2004

Andrew:

Please review the effective date of the draft. Is that delay sufficient?

Cathlene Hanaman
Legislative Attorney
Phone: (608) 267-9810
E-mail: cathlene.hanaman@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0539/P1
CMH:jld:rs

P2

D-note

DOA:.....Statz, BB0198 - Victim and witness assistance surcharges
FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
STATE GOVERNMENT
OTHER STATE GOVERNMENT

Under current law, if a court imposes a sentence or places a person on probation, the court must impose a crime victim and witness assistance surcharge. The surcharge must be \$50 for each misdemeanor offense or count (misdemeanor) and \$70 for each felony offense or count (felony). Of the money, \$30 for each misdemeanor and \$50 for each felony is used to reimburse counties for services to victims and witnesses of crimes, such as court appearance notification services, victim compensation, social services referrals, escort and other transportation services related to the investigation or prosecution of the case, protection services, and family support services, including child and other dependent care services.

This bill increases the surcharge amount to \$60 for each misdemeanor and \$85 for each felony. Of the money, \$40 for each misdemeanor and \$65 for each felony is used to reimburse counties for services, such as those listed above, to victims and witnesses of crimes.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 973.045 (1) (a) of the statutes is amended to read:

2 973.045 (1) (a) For each misdemeanor offense or count, \$50 \$60.

3 SECTION 2. 973.045 (1) (b) of the statutes is amended to read:

4 973.045 (1) (b) For each felony offense or count, \$70 \$85.

5 SECTION 3. 973.045 (3) (a) 1. of the statutes is amended to read:

6 973.045 (3) (a) 1. Part A equals \$30 \$40 for each misdemeanor offense or count
7 and \$50 \$65 for each felony offense or count.

8 SECTION 9329. Initial applicability; justice.

9 (1) CRIME VICTIM AND WITNESS SURCHARGES DISTRIBUTION. The treatment of
10 section 973.045 (3) (a) 1. of the statutes first applies to moneys collected from crime
11 victim and witness surcharges that are imposed on the effective date of this
12 subsection.

13 (2) CRIME VICTIM AND WITNESS SURCHARGES AMOUNT. The treatment of section
14 973.045 (1) (a) and (b) of the statutes first applies to surcharges imposed on the
15 effective date of this subsection.

16 SECTION 9429. Effective dates; justice.

17 (1) The treatment of section 973.045 (1) (a) and (b) and (3) (a) 1. of the statutes
18 and SECTION 9329 (1) and (2) of this act take effect on the first day of the 3rd month
19 beginning after publication.

20 (END)

CRIME VICTIM AND WITNESS SURCHARGES. CS

LRB-0539/P2 dm

Andrew:
This redraft adds a title to the effective date provision. It makes
no other changes.

CMH

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0539/P2dn
CMH:jld:pg

December 20, 2004

Andrew:

This redraft adds a title to the effective date provision. It makes no other changes.

Cathlene Hanaman
Legislative Attorney
Phone: (608) 267-9810
E-mail: cathlene.hanaman@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

P3
LRB-0539/P2
CMH:jld:pg
kmm

dm 1/18 or 1/19

DOA:.....Statz, BB0198 - Victim and witness assistance surcharges
FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

relate to cost

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

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OTHER STATE GOVERNMENT

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13 (2) CRIME VICTIM AND WITNESS SURCHARGES AMOUNT. The treatment of section
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15 effective date of this subsection.

16 SECTION 9429. Effective dates; justice.

17 (1) CRIME VICTIM AND WITNESS SURCHARGES. The treatment of section 973.045 (1)
18 (a) and (b) and (3) (a) 1. of the statutes and SECTION 9329 (1) and (2) of this act take
19 effect on the first day of the 3rd month beginning after publication.

20 (END)

LRB-0539/P2 d2
CMH:jld

Andrew:
This version eliminates the delayed effective date;
the effective date will now be the general effective date of the
budget bill (July 1, 2005; or the day after publication, whichever is later).
Cmtt

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

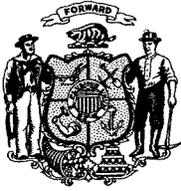
LRB-0539/P3dn
CMH:jld:rs

January 18, 2005

Andrew:

This version eliminates the delayed effective date; the effective date will now be the general effective date of the budget bill (July 1, 2005, or the day after publication, whichever is later).

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State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0539/P3
CMH:jld:rs

DOA:.....Statz, BB0198 - Victim and witness assistance surcharges
FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

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