

## 2007 SENATE BILL 407

January 22, 2008 – Introduced by Senators TAYLOR, PLALE, SCHULTZ and MILLER, cosponsored by Representatives ALBERS, TURNER, SINICKI and GRIGSBY. Referred to Committee on Judiciary, Corrections, and Housing.

1     **AN ACT** *to amend* 800.09 (1) (intro.) and 814.65 (1) of the statutes; **relating to:**  
2     a municipal court judgment regarding community service work.

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### ***Analysis by the Legislative Reference Bureau***

This bill is explained in the NOTE provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the joint legislative council's special committee on strengthening Wisconsin families.

Under s. 800.09 (1), stats., if a municipal court finds a defendant guilty, it may render judgment by ordering restitution and payment of a forfeiture, plus costs, fees, and surcharges. If the initial judgment is not paid, the municipal court may proceed under s. 800.09 (1) (a), (b), and (c), stats., or any combination of those paragraphs. Section 800.09 (1) (a), stats., allows a municipal court to defer payment of any judgment or provide for installment payments. Section 800.09 (1) (b), stats., allows a municipal court, under certain conditions, to order a defendant to perform community service work in lieu of making restitution or paying the forfeiture, surcharges, and costs, or both. Section 800.09 (1) (c), stats., allows a municipal court to suspend the defendant's driving privilege.

This bill allows a municipal court, under certain conditions, to order a defendant to perform community service work as an initial judgment. Under the bill, a municipal court retains the ability to proceed under s. 800.09 (1) (a), (b), and (c), stats., or any combination of those paragraphs, when a defendant does not pay the court's initial judgment that orders restitution, forfeiture, costs, fees, or surcharges.

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

2           **800.09 (1) JUDGMENT.** (intro.) If a municipal court finds a defendant guilty, it  
3 may render judgment by ordering restitution under s. 800.093 and payment of a  
4 forfeiture, plus costs, fees, and surcharges imposed under ch. 814, except that  
5 community service work for a public agency or a nonprofit charitable organization  
6 that is designated by the court may be ordered in lieu of any combination of  
7 restitution, forfeiture, costs, fees, or surcharges. Community service work may be  
8 ordered in lieu of restitution only if also agreed to by the public agency or nonprofit  
9 charitable organization and by the person to whom restitution is owed. The court  
10 may utilize any available resources, including any community service work program,  
11 in ordering the defendant to perform community service work. The number of hours  
12 of community service work required may not exceed the number determined by  
13 dividing the amount owed on the forfeiture by the minimum wage established under  
14 ch. 104 for adults in nonagriculture, nontipped employment. The court shall ensure  
15 that the defendant is provided a written statement of the terms of the community  
16 service order and that the community service work is monitored. The court shall  
17 apply any payment received on a judgment that includes restitution to first satisfy  
18 any payment of restitution ordered, then to pay the forfeiture, costs, fees, and  
19 surcharges. ~~If the judgment is~~ any ordered restitution, forfeiture, costs, fees, or  
20 surcharges are not paid, the court may proceed under par. (a), (b), or (c) or any  
21 combination of those paragraphs, as follows:

22           **SECTION 2.** 814.65 (1) of the statutes is amended to read:

23           **814.65 (1) COURT COSTS.** In a municipal court action, except if the defendant  
24 performs community service work as ordered under s. 800.09 (1) in lieu of the  
25 payment of the fee, or for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681

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1 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation  
2 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the  
3 violation, or for a violation of an ordinance in conformity with s. 343.51 (1m) (b) or  
4 347.48 (2m), the municipal judge shall collect a fee of not less than \$15 nor more than  
5 \$28 on each separate matter, whether it is on default of appearance, a plea of guilty  
6 or no contest, on issuance of a warrant or summons, or the action is tried as a  
7 contested matter. Of each fee received by the judge under this subsection, the  
8 municipal treasurer shall pay monthly \$5 to the secretary of administration for  
9 deposit in the general fund and shall retain the balance for the use of the  
10 municipality.

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(END)