

2007 DRAFTING REQUEST

Bill

Received: 10/03/2006

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Wavrunek

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Criminal Law - victims

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Wavrunek, BB 0090 -

Topic:

Victim/witness 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>
/?	phurley 10/03/2006	kfollett 10/11/2006		_____			S&L
/1			jfrantze 10/11/2006	_____	sbasford 10/11/2006		

FE Sent For:

<END>

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/?	phurley	1/1 kjf 10/11	10/11	Self 10/11			

FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Crime Victim / Witness Assistance Surcharge
- Tracking Code: BB0090
- SBO team: General Government and Justice
- SBO analyst: Leah Wavrunek
 - Phone: 267-0370
 - Email: leah.wavrunek@wisconsin.gov
- Agency acronym: DOJ
- Agency number: 455
- Priority (Low, Medium, High): Medium

The request intends to require the courts to impose the victim/witness surcharge in situations where an offender is charged with a crime and through plea negotiations, the crime is reduced to a forfeiture offense.

The agency offered the following modification:
A redraft of LRB-4101/2 (2005 AB 1137) for budget submission.

mcd

0935/1
PJH:lgf

PWF

2005 ASSEMBLY BILL 1137

10-3

March 21, 2006 - Introduced by Representatives SEIDEL, KREUSER, ALBERS, LEHMAN, MOLEPSKE, SCHNEIDER, SHERIDAN, SHILLING, STASKUNAS, TURNER, VRUWINK, WOOD, ZEPNICK and NELSON, cosponsored by Senator DECKER, by request of Wisconsin Attorney General. Referred to Committee on Judiciary.

Do Not Gen

1 AN ACT ~~(to renumber and amend 973.045 (3) (a); to amend~~ 20.455 (5) (g),
2 20.455 (5) (gc) and 973.045 (1) (intro.); ~~to repeal and recreate~~ 973.045 (1m);
3 ~~and to create~~ 973.045 (1r) (b) and 973.045 (2m) of the statutes; relating to:
4 crime victim and witness assistance surcharges imposed on persons
5 committing civil offenses and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, when a court imposes a sentence on a person who has committed a crime or places a person who has committed a crime on probation, the person is required to pay a crime victim and witness assistance surcharge of \$60 for each misdemeanor and \$85 for each felony. Most of the surcharge (part A) is allocated to fund county programs for crime victims and witnesses and to provide awards to crime victims. The rest of the surcharge (part B) is used for grants to fund services for victims of sexual assaults.

Current law also requires that the crime victim and witness assistance surcharge be imposed in certain cases in which a criminal prosecution is deferred or suspended. Specifically, if a person is charged with a crime for conduct that could also be prosecuted as a civil offense and the person agrees to pay a forfeiture as part of an agreement to have the prosecution deferred or suspended, the court must impose, in addition to the forfeiture, a crime victim and witness assistance surcharge of \$60 (if the person was originally charged with a misdemeanor) or \$85 (if the person was originally charged with a felony).

COURTS AND PROCEDURE
OTHER COURTS AND PROCEDURE

ASSEMBLY BILL 1137

X
 This bill revises the criteria for imposing crime victim and witness assistance surcharges in civil offense cases and changes how money collected from those surcharges is used. Under the bill, a court must impose the crime victim and witness assistance surcharge if: 1) a person is charged with one or more crimes in a complaint; 2) as a result of the complaint being amended, the person is charged with a civil offense in lieu of one of those crimes; and 3) the court finds that the person committed that civil offense. In addition, under the bill, all money collected in such cases from crime victim and witness surcharges is "part A money," which must be used to fund county programs for crime victims and witnesses and to provide awards to crime victims.

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. 20.455 (5) (g) of the statutes is amended to read:

2 20.455 (5) (g) *Crime victim and witness assistance surcharge, general services.*

3 The amounts in the schedule for purposes of ch. 950. All moneys received from part
 4 ~~A~~ of any crime victim and witness assistance ~~surecharges~~ surcharge authorized
 5 under s. 973.045 (1) that are allocated as part A of the surcharge under s. 973.045
 6 ~~(3)~~ (1r) (a) 1., all moneys received from any crime victim and witness assistance
 7 surcharge authorized under s. 973.045 (1m), and all moneys received from any
 8 delinquency victim and witness assistance ~~surecharges~~ surcharge authorized under
 9 s. 938.34 (8d) (a) shall be credited to this appropriation account. The department of
 10 justice shall transfer from this appropriation account to the appropriation account
 11 under par. (kj) the amounts in the schedule under par. (kj).

12 SECTION 2. 20.455 (5) (gc) of the statutes is amended to read:

13 20.455 (5) (gc) *Crime victim and witness surcharge, sexual assault victim*
 14 *services.* All moneys received from ~~part B~~ of any crime victim and witness assistance
 15 ~~surecharges~~ surcharge authorized under s. 973.045 (1) that are allocated as part B of

ASSEMBLY BILL 1137

1 the surcharge under s. 973.045 (3) (1r) (a) 2., to provide grants for sexual assault
2 victim services under s. 165.93.

3 **SECTION 3.** 973.045 (1) (intro.) of the statutes, as affected by 2005 Wisconsin
4 Act 25, is amended to read:

5 973.045 (1) (intro.) ~~Except as provided in sub. (1m), if~~ If a court imposes a
6 sentence or places a person on probation, the court shall impose a crime victim and
7 witness assistance surcharge calculated as follows:

8 **SECTION 4.** 973.045 (1m) of the statutes, as created by 2005 Wisconsin Act 25,
9 is repealed and recreated to read:

10 **973.045 (1m) (a)** In this subsection, "civil offense" means an offense punishable
11 by a forfeiture.

12 (b) If all of the following apply, the court shall impose a crime victim and witness
13 assistance surcharge in addition to any forfeiture that it imposes:

- 14 1. The person is charged with one or more crimes in a complaint.
15 2. As a result of the complaint being amended, the person is charged with a civil
16 offense in lieu of one of those crimes.
17 3. The court finds that the person committed that civil offense on or after the
18 effective date of this subdivision [revisor inserts date].

19 (c) The amount of the surcharge imposed under par. (b) shall be the amount
20 specified in sub. (1) (a) or (b), depending on whether the crime that was the subject
21 of the amendment under par. (b) 2. was a misdemeanor or a felony.

22 **SECTION 5.** 973.045 (1r) (b) of the statutes is created to read:

23 973.045 (1r) (b) The entire amount of any surcharge imposed under sub. (1m)
24 shall be allocated to part A.

25 **SECTION 6.** 973.045 (2m) of the statutes is created to read:

ASSEMBLY BILL 1137

SECTION 6

1 973.045 (2m) The secretary of administration shall credit part A of the crime
2 victim and witness surcharge to the appropriation account under s. 20.455 (5) (g) and
3 part B to the appropriation account under s. 20.455 (5) (gc).

4 SECTION 7. 973.045 (3) (a) of the statutes is renumbered 973.045 (1r) (a), and
5 973.045 (1r) (a) (intro.), as renumbered, is amended to read:

6 973.045 (1r) (a) (intro.) The clerk shall record the any crime victim and witness
7 surcharge imposed under sub. (1) in 2 parts. ~~Part A is the portion that the secretary~~
8 ~~of administration shall credit to the appropriation account under s. 20.455 (5) (g) and~~
9 ~~part B is the portion that the secretary of administration shall credit to the~~
10 ~~appropriation account under s. 20.455 (5) (gc), as follows:~~

11 (END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0435/1
PJH:kjf:jf

DOA:.....Wavrunek, BB 0090 - Victim/witness surcharges

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

- 1 **AN ACT ...; relating to:** crime victim and witness assistance surcharges imposed
2 on persons committing civil offenses and making an appropriation.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

OTHER COURTS AND PROCEDURE

Under current law, when a court imposes a sentence on a person who has committed a crime or places a person who has committed a crime on probation, the person is required to pay a crime victim and witness assistance surcharge of \$60 for each misdemeanor and \$85 for each felony. Most of the surcharge (part A) is allocated to fund county programs for crime victims and witnesses and to provide awards to crime victims. The rest of the surcharge (part B) is used for grants to fund services for victims of sexual assaults.

Current law also requires that the crime victim and witness assistance surcharge be imposed in certain cases in which a criminal prosecution is deferred or suspended. Specifically, if a person is charged with a crime for conduct that could also be prosecuted as a civil offense and the person agrees to pay a forfeiture as part of an agreement to have the prosecution deferred or suspended, the court must impose, in addition to the forfeiture, a crime victim and witness assistance surcharge of \$60 (if the person was originally charged with a misdemeanor) or \$85 (if the person was originally charged with a felony).

This bill revises the criteria for imposing crime victim and witness assistance surcharges in civil offense cases and changes how money collected from those

surcharges is used. Under the bill, a court must impose the crime victim and witness assistance surcharge if: 1) a person is charged with one or more crimes in a complaint; 2) as a result of the complaint being amended, the person is charged with a civil offense in lieu of one of those crimes; and 3) the court finds that the person committed that civil offense. In addition, under the bill, all money collected in such cases from crime victim and witness surcharges is "part A money," which must be used to fund county programs for crime victims and witnesses and to provide awards to crime victims.

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.** 20.455 (5) (g) of the statutes is amended to read:

2 20.455 (5) (g) *Crime victim and witness assistance surcharge, general services.*

3 The amounts in the schedule for purposes of ch. 950. All moneys received from part
4 ~~A~~ of any crime victim and witness assistance ~~surecharges~~ surcharge authorized
5 under s. 973.045 (1) that are allocated as part A of the surcharge under s. 973.045
6 ~~(3) (1r) (a) 1., all moneys received from any crime victim and witness assistance~~
7 surcharge authorized under s. 973.045 (1m), and all moneys received from any
8 delinquency victim and witness assistance ~~surecharges~~ surcharge authorized under
9 s. 938.34 (8d) (a) shall be credited to this appropriation account. The department of
10 justice shall transfer from this appropriation account to the appropriation account
11 under par. (kj) the amounts in the schedule under par. (kj).

12 **SECTION 2.** 20.455 (5) (gc) of the statutes is amended to read:

13 20.455 (5) (gc) *Crime victim and witness surcharge, sexual assault victim*
14 *services.* All moneys received from part ~~B~~ of any crime victim and witness assistance
15 ~~surecharges~~ surcharge authorized under s. 973.045 (1) that are allocated as part B of
16 the surcharge under s. 973.045 (3) (1r) (a) 2., to provide grants for sexual assault
17 victim services under s. 165.93.

1 **SECTION 3.** 973.045 (1) (intro.) of the statutes is amended to read:

2 973.045 (1) (intro.) ~~Except as provided in sub. (1m),~~ if If a court imposes a
3 sentence or places a person on probation, the court shall impose a crime victim and
4 witness assistance surcharge calculated as follows:

5 **SECTION 4.** 973.045 (1m) of the statutes is repealed and recreated to read:

6 973.045 (1m) (a) In this subsection, "civil offense" means an offense punishable
7 by a forfeiture.

8 (b) If all of the following apply, the court shall impose a crime victim and witness
9 assistance surcharge in addition to any forfeiture that it imposes:

10 1. The person is charged with one or more crimes in a complaint.

11 2. As a result of the complaint being amended, the person is charged with a civil
12 offense in lieu of one of those crimes.

13 3. The court finds that the person committed that civil offense on or after the
14 effective date of this subdivision [revisor inserts date].

15 (c) The amount of the surcharge imposed under par. (b) shall be the amount
16 specified in sub. (1) (a) or (b), depending on whether the crime that was the subject
17 of the amendment under par. (b) 2. was a misdemeanor or a felony.

18 **SECTION 5.** 973.045 (1r) (b) of the statutes is created to read:

19 973.045 (1r) (b) The entire amount of any surcharge imposed under sub. (1m)
20 shall be allocated to part A.

21 **SECTION 6.** 973.045 (2m) of the statutes is created to read:

22 973.045 (2m) The secretary of administration shall credit part A of the crime
23 victim and witness surcharge to the appropriation account under s. 20.455 (5) (g) and
24 part B to the appropriation account under s. 20.455 (5) (gc).

