

**2007 DRAFTING REQUEST**

**Bill**

Received: **01/18/2007**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Wavrunek**

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

Drafter: **rryan**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

DOA:.....Wavrunek, BB0379 -

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**Topic:**

Penalty surcharge and firearms restrictions record searches

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**Instructions:**

See Attached

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**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>
/?				_____			S&L
/1	rryan 01/23/2007 rryan 01/28/2007	jdye 01/23/2007 lkunkel 01/28/2007	nmatzke 01/23/2007	_____	cduerst 01/23/2007		S&L
/2			jfrantze 01/29/2007	_____	mbarman 01/29/2007		

FE Sent For:

<END>

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/1	rryan 01/23/2007	jdye 01/23/2007	nmatzke 01/23/2007	_____	cduerst 01/23/2007		

FE Sent For:

*12/mky/28* *Jo* *1/29* *Jo/Rs* *1/29*  
<END>

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/?	rryan	1 1/23 jd	nwn 1/23	nwn/sh 1/23			S&L

FE Sent For:

<END>

**2007-09 Budget Bill Statutory Language Drafting Request**

- Topic: Criminal Justice Fund
- Tracking Code: BB0379
- 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): High

Create a criminal justice fund by merging revenues from penalty surcharge and the firearms restrictions search fee.

The intent of this request is to create a single fund to collect revenues from the penalty surcharge and firearms restrictions search fee and distribute the amounts in the schedule for current appropriations that receive each of these revenues. The fund would be located under the Department of Justice.

Distribute a scheduled amt  
from 20.455(2)(i) to  
approp for firearms restriction  
searches  
+ increase pen. surcharge to 27%



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-15772 ✓

RLR: n:...

JLD

In 1/23/07

DOA:.....Wavrunek, BB0379 - Penalty surcharge and firearms restrictions record searches

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

RMR

don't gen

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

*Analysis by the Legislative Reference Bureau*

**JUSTICE**

Under current law, most persons who are ordered by a state or municipal court to pay a fine or forfeiture must also pay a penalty surcharge equal to 26 percent of the fine or forfeiture. The penalty surcharge receipts are appropriated to DOJ to fund a variety of activities, services, and equipment, including training for law enforcement and correctional officers, enforcement of drug laws, services for crime victims, and information systems for law enforcement. Also under current law, firearms dealers must pay DOJ a fee for conducting firearms restrictions record searches on handgun purchasers. The firearms restrictions record search fee receipts are appropriated to DOJ for firearms restrictions record searches.

This bill increases the penalty surcharge to 27 percent of fines or forfeitures. The bill also provides that firearms restrictions record search fees shall be deposited in the appropriation account in which penalty surcharge receipts are deposited and that firearms records restriction searches shall be funded from this appropriation. *must*

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

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

1           **SECTION 1.** 20.455 (2) (gr) of the statutes, as affected by 2005 Wisconsin Act 25,  
2 is renumbered 20.455 (2) (ky) and amended to read:

3           20.455 (2) (ky) *Handgun purchaser record check.* All moneys received as fee  
4 payments under s. 175.35 (2i) The amounts in the schedule to provide services under  
5 s. 175.35. All moneys transferred from the appropriation account under par. (i) 17.  
6 shall be credited to this appropriation account.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

NOTE: NOTE: Par. (gr) is amended eff. 7-1-07 by 2005 Wis. Act 25 to read:NOTE:

7 (gr) *Handgun purchaser record check.* All moneys received as fee payments under s. 175.35 (2i) to provide services under s. 175.35.

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237; 1999 a. 5, 9, 186; 2001 a. 16, 109; 2003 a. 33, 139, 309, 326; 2005 a. 25 ss. 356c to 363r, 415m to 415v, 415w, 416g, 416h; 2005 a. 60, 254, 433.

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

9           20.455 (2) (i) *Penalty surcharge, and firearms restrictions record search*  
10 *receipts.* (intro.) The amounts in the schedule for the purposes of s. 165.85 (5) (b) and  
11 for crime laboratory equipment. All moneys received from the penalty surcharge on  
12 court fines and forfeitures under s. 757.05 (2) and all moneys received as fee  
13 payments under s. 175.35 (2i) shall be credited to this appropriation account.  
14 Moneys may be transferred from this paragraph to pars. (j), (ja), and (jb) by the  
15 secretary of administration for expenditures based upon determinations by the  
16 department of justice. The following amounts shall be transferred to the following  
17 appropriation accounts:

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237; 1999 a. 5, 9, 186; 2001 a. 16, 109; 2003 a. 33, 139, 309, 326; 2005 a. 25 ss. 356c to 363r, 415m to 415v, 415w, 416g, 416h; 2005 a. 60, 254, 433.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

18           **SECTION 3.** 20.455 (2) (i) 17. of the statutes is created to read:

19           20.455 (2) (i) 17. The amount transferred to par. (ky) shall be the amount in the  
20 schedule under par. (ky).



## Ryan, Robin

---

**From:** Wavrunek, Leah J - DOA  
**Sent:** Saturday, January 27, 2007 3:22 PM  
**To:** Ryan, Robin  
**Subject:** RE: LRB-1577/1

Hi Robin,

Would "criminal justice program support" work okay?

Thanks!  
leah

---

**From:** Ryan, Robin [mailto:Robin.Ryan@legis.wisconsin.gov]  
**Sent:** Wednesday, January 24, 2007 4:07 PM  
**To:** Wavrunek, Leah J - DOA  
**Subject:** RE: LRB-1577/1

We generally reserve the term "fund" for funds that are created in ch. 25, such as the general fund, the transportation fund, the Medical Assistance Trust Fund, etc. (Don't ask me why 20.455 (2) (j) and (ja) refer to the law enforcement training fund.)

Since 20.455 (2) (i) is an appropriation account within the general fund, not a new fund, I want to avoid the name "criminal justice fund."  
You could call it "criminal justice aids."

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**From:** Wavrunek, Leah J - DOA  
**Sent:** Wednesday, January 24, 2007 3:41 PM  
**To:** Ryan, Robin  
**Subject:** LRB-1577/1

Hi Robin,

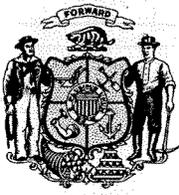
I didn't want to bring this up over the phone as this relates to a different bill, the penalty surcharge and firearms restrictions record searches bill, LRB-1577/1.

Would it be possible to change the name of 20.455(2)(i) Penalty surcharge and firearms restrictions record search receipts to a new name, 20.455(2)(i) Criminal justice fund? I could not find the word "fund" defined anywhere when I looked quickly to see if "fund" can only be applied to certain appropriations.

Thanks!  
leah

Leah Wavrunek  
State Budget Office  
Ph: (608) 267-0370  
F: (608) 267-0372  
leah.wavrunek@wisconsin.gov

01/27/2007



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1577A

RLR:jld:nwn

2

In 1/28/07

Stys Rmnr

DOA:.....Wavrunek, BB0379 - Penalty surcharge and firearms restrictions record searches

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Do Not Go

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

*Analysis by the Legislative Reference Bureau*

**JUSTICE**

Under current law, most persons who are ordered by a state or municipal court to pay a fine or forfeiture must also pay a penalty surcharge equal to 26 percent of the fine or forfeiture. The penalty surcharge receipts are appropriated to DOJ to fund a variety of activities, services, and equipment, including training for law enforcement and correctional officers, enforcement of drug laws, services for crime victims, and information systems for law enforcement. Also under current law, firearms dealers must pay DOJ a fee for conducting firearms restrictions record searches on handgun purchasers. The firearms restrictions record search fee receipts are appropriated to DOJ for firearms restrictions record searches.

This bill increases the penalty surcharge to 27 percent of fines or forfeitures. The bill also provides that firearms restrictions record search fees must be deposited in the appropriation account in which penalty surcharge receipts are deposited and that firearms records restriction searches must be funded from this appropriation.

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:*

*Criminal justice program support*

1 SECTION 1. 20.455 (2) (gr) of the statutes, as affected by 2005 Wisconsin Act 25,  
2 is renumbered 20.455 (2) (ky) and amended to read:

3 20.455 (2) (ky) *Handgun purchaser record check*. All moneys received as fee  
4 payments under s. 175.35 (2i) The amounts in the schedule to provide services under  
5 s. 175.35. All moneys transferred from the appropriation account under par. (i) 17.  
6 shall be credited to this appropriation account.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

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

8 20.455 (2) (i) ~~Penalty surcharge,~~ and firearms restrictions record search

9 ~~receipts~~ (intro.) The amounts in the schedule for the purposes of s. 165.85 (5) (b) and  
10 for crime laboratory equipment. All moneys received from the penalty surcharge on  
11 court fines and forfeitures under s. 757.05 (2) and all moneys received as fee  
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13 Moneys may be transferred from this paragraph to pars. (j), (ja), and (jb) by the  
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15 department of justice. The following amounts shall be transferred to the following  
16 appropriation accounts:

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 SECTION 3. 20.455 (2) (i) 17. of the statutes is created to read:

18 20.455 (2) (i) 17. The amount transferred to par. (ky) shall be the amount in the  
19 schedule under par. (ky).

20 SECTION 4. 757.05 (1) (a) of the statutes is amended to read:

21 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of  
22 state law or for a violation of a municipal or county ordinance except for a violation

1 of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), or for a first violation of s.  
2 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who  
3 committed the violation had a blood alcohol concentration of 0.08 or more but less  
4 than 0.1 at the time of the violation, or for a violation of state laws or municipal or  
5 county ordinances involving nonmoving traffic violations, violations under s. 343.51  
6 (1m) (b), or safety belt use violations under s. 347.48 (2m), there shall be imposed in  
7 addition a penalty surcharge under ch. 814 in an amount of ~~26~~ 27 percent of the fine  
8 or forfeiture imposed. If multiple offenses are involved, the penalty surcharge shall  
9 be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture  
10 is suspended in whole or in part, the penalty surcharge shall be reduced in proportion  
11 to the suspension.

12 **SECTION 9329. Initial applicability; Justice.**

13 (1) PENALTY SURCHARGE. The treatment of section 757.05 (1) (a) of the statutes  
14 first applies to offenses committed on the effective date of this subsection.

15 (END)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1577/2  
RLR:jld:jf

DOA:.....Wavrunek, BB0379 - Penalty surcharge and firearms restrictions  
record searches

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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8           20.455 (2) (i) ~~Penalty surcharge, receipts~~ Criminal justice program support.  
9 (intro.) The amounts in the schedule for the purposes of s. 165.85 (5) (b) and for crime  
10 laboratory equipment. All moneys received from the penalty surcharge on court  
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15 (END)