SENATE AMENDMENT 2,

TO ASSEMBLY BILL 668

March 18, 2014 – Offered by Senator CARPENTER.

1   At the locations indicated, amend the bill as follows:

2   **1.** Page 1, line 3: after "incarceration" insert ", requiring certain defendants

3   to appear in court,".

4   **2.** Page 2, line 1: before that line insert:

5   "SECTION 1d. 66.0114 (1) (b) of the statutes is renumbered 66.0114 (1) (b) 1. and

6   amended to read:

7   66.0114 **(1)** (b) 1. Local ordinances, except as provided in ~~this paragraph or~~ ss.

8   345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any

9   or all violations under those ordinances, may designate the manner in which the

10   stipulation is to be made, and may fix the penalty to be paid. ~~When~~ Except as

11   provided in subd. 2., when a person charged with a violation for which stipulation

12   of guilt or no contest is authorized makes a timely stipulation and pays the required

13   penalty, plus costs, fees, and surcharges imposed under ch. 814, to the designated

1   official, the person need not appear in court and no witness fees or other additional

2   costs, fees, or surcharges may be imposed under ch. 814 unless the local ordinance

3   so provides. ~~A court appearance is required for a violation of a local ordinance in~~

4   ~~conformity with s. 346.63 (1).~~

5   SECTION 1g. 66.0114 (1) (b) 2. of the statutes is created to read:

6   66.0114 **(1)** (b) 2. A person who is charged with a violation of a local ordinance

7   in conformity with s. 346.63 (1) or (5) shall appear, in person, in court to plead guilty,

8   no contest, or not guilty. A person who fails to appear, in person, in court is subject

9   to arrest and to a $300 surcharge pursuant to subd. 3.

10   SECTION 1m. 66.0114 (1) (b) 3. of the statutes is created to read:

11   66.0114 **(1)** (b) 3. If a person who is required under subd. 2. to appear, in person,

12   in court to enter a plea fails to appear in court, the court shall do all of the following:

13   a. Enter a default judgment against the person and impose the applicable

14   penalties, except that the court shall withhold imposing a forfeiture for the violation

15   until the person appears, in person, before the court.

16   b. Issue a warrant for the person's arrest so that the person may appear before

17   the court in order for the court to impose a forfeiture for the violation.

18   c. Impose a $300 surcharge on the person for his or her failure to appear. The

19   surcharge may be retained by the municipal court to offset the costs of holding a

20   hearing to impose the forfeiture."".

21   **3.** Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1R".

22   **4.** Page 2, line 17: after that line insert:

23   "SECTION 2d. 345.26 (1) (b) 3. of the statutes is created to read:

1   345.26 **(1)** (b) 3. Subdivision 1. does not apply to a person who is charged with

2 a violation of s. 346.63 (1) or (5) or a local ordinance in conformity therewith and who

3 is required to appear in person pursuant to s. 66.0114 (1) (b) 2., 800.035 (5) (a), or

4 967.055 (2m).

5   SECTION 2g. 800.035 (5) (a) of the statutes is amended to read:

6   800.035 **(5)** (a) If a defendant is charged with a violation of an ordinance in

7 conformity with s. 346.63 (1) or (5), the municipality ~~may~~ shall, by ordinance, require

8 the defendant to appear in person before the court. The ordinance shall specify that

9 a person who fails to appear in person before the court is subject to arrest and to a

10 $300 surcharge pursuant to par. (am).

11   SECTION 2m. 800.035 (5) (am) of the statutes is created to read:

12   800.035 **(5)** (am) If a person who is required under par. (a) to appear in person

13 before the court to enter a plea fails to appear in court, the court shall do all of the

14 following:

15   1. Enter a default judgment against the person and impose the applicable

16 penalties, except that the court shall withhold imposing a forfeiture for the violation

17 until the person appears in person before the court.

18   2. Issue a warrant for the person's arrest so that the person may appear before

19 the court in order for the court to impose a forfeiture for the violation.

20   3. Impose a $300 surcharge on the person for his or her failure to appear. The

21 surcharge may be retained by the municipal court to offset the costs of holding a

22 hearing to impose the forfeiture.

23   SECTION 2r. 967.055 (2m) of the statutes is created to read:

24   967.055 **(2m)** PERSONAL APPEARANCE IN COURT. (a) A person who is charged with

25 a civil violation of s. 346.63 (1) or (5) or a local ordinance in conformity therewith shall

1   appear in person in court to enter a plea of guilty, no contest, or not guilty to the

2   charge. A person who fails to appear in person in court is subject to arrest and to a

3    $300 surcharge pursuant to par. (b). In this subsection, "court" may mean a circuit

4   court or a municipal court.

5   (b) If a person who is required under par. (a) to appear in person in court to enter

6   a plea fails to appear in court, the court shall do all of the following:

7   1. Enter a default judgment against the person and impose the applicable

8   penalties, except that the court shall withhold imposing a forfeiture for the violation

9   until the person appears in person before the court.

10   2. Issue a warrant for the person's arrest so that the person may appear before

11   the court in order for the court to impose a forfeiture for the violation.

12   3. Impose a $300 surcharge on the person for his or her failure to appear. The

13   surcharge may be retained by the municipal court or the clerk of circuit court to offset

14   the costs of holding a hearing to impose the forfeiture.".

15   **5.** Page 3, line 4: after that line insert:

16   "**SECTION 3m. Initial applicability.**

17   (1) The treatment of sections 345.26 (1) (b) 3., 800.035 (5) (a) and (am), and

18   967.055 (2m), the renumbering and amendment of section 66.0114 (1) (b), and the

19   creation of section 66.0114 (1) (b) 2. and 3. first apply to violations that occur on the

20   effective date of this subsection.".

21   **(END)**