

**2013 DRAFTING REQUEST**

**Senate Amendment (SA-AB668)**

Received: 3/17/2014 Received By: phurley  
Wanted: As time permits Same as LRB:  
For: Tim Carpenter (608) 266-8535 By/Representing:  
May Contact: Drafter: phurley  
Subject: Drunk Driving - other Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Sen.Carpenter@legis.wisconsin.gov  
Carbon copy (CC) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Requiring an appearance in court

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**Instructions:**

AB 67, as amended

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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> |
|--------------|----------------------|----------------------|-----------------------|----------------|-----------------------|-----------------------|-----------------|
| /?           | phurley<br>3/17/2014 | scalvin<br>3/17/2014 |                       | _____          |                       |                       |                 |
| /1           |                      |                      | jfrantze<br>3/18/2014 | _____          | sbasford<br>3/18/2014 | sbasford<br>3/18/2014 |                 |

FE Sent For:

<END>

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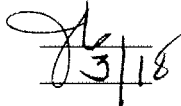
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|--------------|----------------|----------------------|----------------------|---|------------------|-----------------|-----------------|
| /?           | phurley        | 1/ SAC<br>03/17/2014 | 1/ SAC<br>03/17/2014 | <br>3/18 |                  |                 |                 |

FE Sent For:

<END>



## 2013 ASSEMBLY BILL 668

January 24, 2014 - Introduced by Representatives NYGREN, BIES, BALLWEG, BERNIER, BORN, BROOKS, ENDSLEY, KAUFERT, KLEEFISCH, KNUDSON, KOOYENGA, KRUG, T. LARSON, LEMAHIEU, MARKLEIN, MURPHY, MURSAU, A. OTT, PETRYK, SCHRAA, SPIROS, STRACHOTA, TRANEL, WEATHERSTON, BARNES, BERCEAU, BERNARD SCHABER, BILLINGS, CLARK, DOYLE, GOYKE, HESSELBEIN, HINTZ, JOHNSON, KAHL, KOLSTE, MASON, OHNSTAD, PASCH, RIEMER, RICHARDS, RINGHAND, C. TAYLOR, WACHS, WRIGHT and YOUNG, cosponsored by Senators DARLING, S. FITZGERALD, COWLES, GUDEX, HARSDFORF, LEIBHAM, OLSEN, PETROWSKI, CARPENTER, HARRIS, JAUCH, SHILLING, L. TAYLOR, VINEHOUT, WIRCH and LEHMAN. Referred to Joint Committee on Finance.

1     **AN ACT to create** 165.95 (5) (bg) and 165.95 (5p) of the statutes; **relating to:**  
2             providing grants to counties that offer substance abuse treatment and  
3             diversion from incarceration and making an appropriation.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the Department of Justice (DOJ) provides grants to counties that have established qualifying treatment and diversion (TAD) programs for persons who are or may be charged with, or who are convicted of, an offense related to the person's use or abuse of alcohol or other drugs. TAD programs are intended to offer alternatives to prosecution or incarceration. Current law requires DOJ to evaluate the grant program every two years.

This bill increases funding for TAD grants by \$1,500,000 in each fiscal year of the current fiscal biennium. The bill requires each county that receives a TAD grant to submit to DOJ data requested by DOJ for the purpose of evaluating the effectiveness of the county's TAD program. The bill requires DOJ to prepare an annual progress report using that data and, every five years, to prepare a comprehensive report for submission to the legislature that provides a cost benefit analysis of the TAD grant program.

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

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

**ASSEMBLY BILL 668**

1           **SECTION 1.** 165.95 (5) (bg) of the statutes is created to read:

2           165.95 (5) (bg) A county that receives a grant under this section shall submit  
3 data requested by the department of justice to the department of justice each month.  
4 The department of justice may request any data regarding the project funded by the  
5 grant that is necessary to evaluate the project and prepare the reports under sub.  
6 (5p).

7           **SECTION 2.** 165.95 (5p) of the statutes is created to read:

8           165.95 (5p) (a) The department of justice shall, annually, analyze the data  
9 submitted under sub. (5) (bg) and prepare a progress report that evaluates the  
10 effectiveness of the grant program. The department of justice shall make the report  
11 available to the public.

12           (b) The department of justice shall, every 5 years, prepare a comprehensive  
13 report that analyzes the data it receives under sub. (5) (bg) and the annual reports  
14 it produces under par. (a). The department of justice shall include in this  
15 comprehensive report a cost benefit analysis of the grant program and shall submit  
16 the report to the chief clerk of each house of the legislature for distribution to the  
17 legislature under s. 13.172 (2).

18           **SECTION 3. Fiscal changes.**

19           (1) TREATMENT AND DIVERSION PROGRAMS. In the schedule under section 20.005  
20 (3) of the statutes for the appropriation to the department of justice under section  
21 20.455 (2) (em) of the statutes, as affected by the acts of 2013, the dollar amount is  
22 increased by \$1,500,000 for the first fiscal year of the fiscal biennium in which this  
23 subsection takes effect to provide grants for counties that establish alternatives for  
24 prosecution and incarceration. In the schedule under section 20.005 (3) of the  
25 statutes for the appropriation to the department of justice under section 20.455 (2)

**ASSEMBLY BILL 668**

1 (em) of the statutes, as affected by the acts of 2013, the dollar amount is increased  
2 by \$1,500,000 for the second fiscal year of the fiscal biennium in which this  
3 subsection takes effect to provide grants for counties that establish alternatives for  
4 prosecution and incarceration.

5 (END)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBa1924/2  
CMH:kjf&sac:jf

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY BILL 668**

February 19, 2014 - Offered by JOINT COMMITTEE ON FINANCE.

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

2 **1.** Page 3, line 4: after that line insert:

3 “(1g) TREATMENT ALTERNATIVE AND DIVERSION PROGRAM; ADMINISTRATIVE  
4 RESOURCES. In the schedule under section 20.005 (3) of the statutes for the  
5 appropriation to the department of justice under section 20.455 (2) (a) of the statutes,  
6 as affected by the acts of 2013, the dollar amount is increased by \$366,000 for the  
7 second fiscal year of the fiscal biennium in which this subsection takes effect to  
8 increase the authorized FTE positions for the department of justice by 5.0 positions.”.

9 (END)



**SENATE AMENDMENT ,  
TO ASSEMBLY BILL 668**

# Page 1, line 3: after  
"incarceration" insert  
" requiring certain  
defendants to appear  
in court."

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

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

3 "SECTION 1d. 66.0114 (1) (b) of the statutes is renumbered 66.0114 (1) (b) 1. and  
4 amended to read:

5 66.0114 (1) (b) 1. Local ordinances, except as provided in ~~this paragraph or ss.~~  
6 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any  
7 or all violations under those ordinances, may designate the manner in which the  
8 stipulation is to be made, and may fix the penalty to be paid. ~~When~~ Except as  
9 provided in subd. 2., when a person charged with a violation for which stipulation  
10 of guilt or no contest is authorized makes a timely stipulation and pays the required  
11 penalty, plus costs, fees, and surcharges imposed under ch. 814, to the designated  
12 official, the person need not appear in court and no witness fees or other additional  
13 costs, fees, or surcharges may be imposed under ch. 814 unless the local ordinance



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB 2145/1

PM 1:10  
Sec

Tues A.M. for  
Senate floor

SENATE AMENDMENT,

TO ASSEMBLY BILL 180

668

a2150/1  
rnr

today

2, line 1: before

Dir  
Comptroller

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At the locations indicated, amend the bill as follows:

1. Page 3, line 12: after that line insert:

<sup>(1d)</sup>  
"SECTION 2c. 66.0114 (1) (b) of the statutes is renumbered 66.0114 (1) (b) 1. and amended to read:

66.0114 (1) (b) 1. Local ordinances, except as provided in ~~this paragraph or ss.~~ 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any or all violations under those ordinances, may designate the manner in which the stipulation is to be made, and may fix the penalty to be paid. ~~When~~ Except as provided in subd. 2., when a person charged with a violation for which stipulation of guilt or no contest is authorized makes a timely stipulation and pays the required penalty, plus costs, fees, and surcharges imposed under ch. 814, to the designated official, the person need not appear in court and no witness fees or other additional costs, fees, or surcharges may be imposed under ch. 814 unless the local ordinance



1 so provides. ~~A court appearance is required for a violation of a local ordinance in~~  
2 ~~conformity with s. 346.63 (1).~~

3 SECTION <sup>10r</sup> 66.0114 (1) (b) 2. of the statutes is created to read:

4 66.0114 (1) (b) 2. A person who is charged with a violation of a local ordinance  
5 in conformity with s. 346.63 (1) or (5) shall appear, in person, in court to plead guilty,  
6 no contest, or not guilty. A person who fails to appear, in person, in court is subject  
7 to arrest and to a \$300 surcharge pursuant to subd. 3.

8 SECTION <sup>11m</sup> 66.0114 (1) (b) 3. of the statutes is created to read:

9 66.0114 (1) (b) 3. If a person who is required under subd. 2. to appear, in person,  
10 in court to enter a plea fails to appear in court, the court shall do all of the following:

11 a. Enter a default judgment against the person and impose the applicable  
12 penalties, except that the court shall withhold imposing a forfeiture for the violation  
13 until the person appears, in person, before the court.

14 b. Issue a warrant for the person's arrest so that the person may appear before  
15 the court in order for the court to impose a forfeiture for the violation.

16 c. Impose a \$300 surcharge on the person for his or her failure to appear. The  
17 surcharge may be retained by the municipal court to offset the costs of holding a  
18 hearing to impose the forfeiture.

19 SECTION <sup>20</sup> 345.26 (1) (b) 3. of the statutes is created to read:

20 345.26 (1) (b) 3. Subdivision 1. does not apply to a person who is charged with  
21 a violation of s. 346.63 (1) or (5) or a local ordinance in conformity therewith and who  
22 is required to appear in person pursuant to s. 66.0114 (1) (b) 2., 800.035 (5) (a), or  
23 967.055 (2m).

24 <sup>2</sup> Page 5, line 12: after that line insert.

# Page 2, line 1 delete "SECTION 1" and substitute "Section 1r".

# Page 2, line 17 after that line insert:

1 ~~SECTION 7e~~ <sup>(2g)</sup> 800.035 (5) (a) of the statutes is amended to read:

2 800.035 (5) (a) If a defendant is charged with a violation of an ordinance in  
3 conformity with s. 346.63 (1) or (5), the municipality ~~may~~ shall, by ordinance, require  
4 the defendant to appear in person before the court. The ordinance shall specify that  
5 a person who fails to appear in person before the court is subject to arrest and to a  
6 \$300 surcharge pursuant to par. (am).

7 ~~SECTION 7m~~ <sup>(2m)</sup> 800.035 (5) (am) of the statutes is created to read:

8 800.035 (5) (am) If a person who is required under par. (a) to appear in person  
9 before the court to enter a plea fails to appear in court, the court shall do all of the  
10 following:

11 1. Enter a default judgment against the person and impose the applicable  
12 penalties, except that the court shall withhold imposing a forfeiture for the violation  
13 until the person appears in person before the court.

14 2. Issue a warrant for the person's arrest so that the person may appear before  
15 the court in order for the court to impose a forfeiture for the violation.

16 3. Impose a \$300 surcharge on the person for his or her failure to appear. The  
17 surcharge may be retained by the municipal court to offset the costs of holding a  
18 hearing to impose the forfeiture.

19 ~~SECTION 7s~~ <sup>(2r)</sup> 967.055 (2m) of the statutes is created to read:

20 967.055 (2m) PERSONAL APPEARANCE IN COURT. (a) A person who is charged with  
21 a civil violation of s. 346.63 (1) or (5) or a local ordinance in conformity therewith shall  
22 appear in person in court to enter a plea of guilty, no contest, or not guilty to the  
23 charge. A person who fails to appear in person in court is subject to arrest and to a  
24 \$300 surcharge pursuant to par. (b). In this subsection, "court" may mean a circuit  
25 court or a municipal court.

1 (b) If a person who is required under par. (a) to appear in person in court to enter  
2 a plea fails to appear in court, the court shall do all of the following:

3 1. Enter a default judgment against the person and impose the applicable  
4 penalties, except that the court shall withhold imposing a forfeiture for the violation  
5 until the person appears in person before the court.

6 2. Issue a warrant for the person's arrest so that the person may appear before  
7 the court in order for the court to impose a forfeiture for the violation.

8 3. Impose a \$300 surcharge on the person for his or her failure to appear. The  
9 surcharge may be retained by the municipal court or the clerk of circuit court to offset  
10 the costs of holding a hearing to impose the forfeiture.”.

11 **3.** Page 52 line 19 after that line insert:

12 “(2) The treatment of sections 66.0114 (1) (b), 345.26 (1) (b) 3., 800.035 (5) (a)  
13 and (am), and 967.055 (2m) first applies to violations that occur on the effective date  
14 of this subsection.”.

15 SECTION 3M. <sup>3m</sup> Initial applicability. (END)

Handwritten annotations: circled numbers 3, 11, 12, 13, 14, 15, and circled text 'BLES'.