



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3574/1
ZDW:ahe/jld/amn

2015 SENATE BILL 406

December 3, 2015 - Introduced by Senator WANGGAARD, cosponsored by Representatives THIESFELDT, HEATON, T. LARSON, R. BROOKS, STEFFEN, WEATHERSTON, ALLEN, BERNIER and BALLWEG. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to repeal* 345.35; and *to amend* 345.34 (1) and 345.36 (title) and (1) of
2 the statutes; **relating to:** court proceedings for traffic violations.

Analysis by the Legislative Reference Bureau

This bill eliminates references to an immediate trial for a person appearing in court in response to certain traffic citations.

Under current law, when a person appears in court in response to a traffic citation, the court is required to ask whether the person pleads guilty, not guilty, or no contest. If the person pleads not guilty, the person may ask the court for an immediate trial or request a continuance. This bill eliminates references to continuance and to immediate trial except for nonmoving traffic violations.

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

3 **SECTION 1.** 345.34 (1) of the statutes is amended to read:

4 345.34 (1) If the defendant appears in response to a citation, or is arrested and
5 brought before a court with jurisdiction to try the case, the defendant shall be
6 informed that he or she is entitled to a jury trial and ~~then asked whether he or she~~
7 ~~wishes presently to plead, or whether he or she wishes a continuance.~~ If the

SENATE BILL 406**SECTION 1**

1 ~~defendant wishes to plead, the.~~ The defendant may plead guilty, not guilty, or no
2 contest. If the defendant requests a continuance at the initial appearance, the court
3 shall adjourn the arraignment without entering any plea.

4 **SECTION 2.** 345.35 of the statutes is repealed.

5 **SECTION 3.** 345.36 (title) and (1) of the statutes are amended to read:

6 **345.36 Not guilty plea; continuance; failure to appear.** (1) If Except as
7 provided in this subsection, if the defendant pleads not guilty ~~and requests a~~
8 ~~continuance,~~ the court shall set a future date for trial or advise the defendant that
9 notice will later be sent of the date set for trial. If the defendant appears in response
10 to a nonmoving traffic violation under s. 345.28, the court may provide an immediate
11 trial. The court shall release the defendant if he or she posts an appearance bond,
12 or the court may release the defendant on recognizance or without bail. A defendant
13 not so released shall be committed to jail to await trial.

14 **SECTION 4. Initial applicability.**

15 (1) This act first applies to court proceedings commenced on the effective date
16 of this subsection.

17 (END)