



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3021/1
RAC:kjf

2019 SENATE BILL 233

1 **AN ACT** *to renumber and amend* 973.20 (2); and *to create* 40.08 (1t) and 973.20
2 (2) (bm) of the statutes; **relating to:** withholding from a Wisconsin Retirement
3 System lump sum payment or annuity to satisfy an order of restitution.

Analysis by the Legislative Reference Bureau

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

4 **SECTION 1.** 40.08 (1t) of the statutes is created to read:
5 40.08 (1t) PAYMENT OF RESTITUTION FOR CERTAIN MISCONDUCT. Notwithstanding
6 sub. (1), the department may withhold amounts from any lump sum payment or
7 annuity paid under s. 40.23, 40.24, 40.25 (1) or (2), or 40.63, as required by a
8 restitution order under s. 973.20 (2). Notwithstanding s. 40.01 (2), the department
9 shall deliver any amount withheld under this subsection in accordance with the
10 restitution order issued under s. 973.20 (2). The board and any member or agent

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1 thereof and the department and any employee or agent thereof are immune from civil
2 liability for any act or omission while performing official duties relating to
3 withholding any payment under this subsection.

4 **SECTION 2.** 973.20 (2) of the statutes is renumbered 973.20 (2) (am), and 973.20
5 (2) (am) 2. (intro.), as renumbered, is amended to read:

6 973.20 (2) (am) 2. (intro.) If return of the property under ~~par. (a)~~ subd. 1. is
7 impossible, impractical or inadequate, pay the owner or owner's designee the
8 reasonable repair or replacement cost or the greater of:

9 **SECTION 3.** 973.20 (2) (bm) of the statutes is created to read:

10 973.20 (2) (bm) The restitution order may require the department of employee
11 trust funds to withhold the amount determined under par. (am) from any payment
12 of the defendant's annuity or lump sum under s. 40.08 (1t) and to deliver any amount
13 withheld from the defendant's annuity or lump sum in accordance with sub. (11) if
14 the crime considered at sentencing satisfies all of the following:

- 15 1. The crime was a violation of ss. 943.20 and 946.12.
- 16 2. The crime resulted in loss of property for the defendant's employer that
17 participates in the Wisconsin Retirement System.
- 18 3. The value of the property described in subd. 2. exceeds \$2,500.

19 (END)