

1985 Senate Bill 88

Date of enactment: October 4, 1985
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1985 Wisconsin Act 36

AN ACT to repeal 29.224 and 350.06; to amend 23.50 (1) and (2), 23.53 (1), 23.54 (3) (e), (i) and (j), 23.55 (1) (b), 23.56 (2), 23.66 (2) and (4), 23.67 (2) and (3), 23.75 (3) (b) and (c), 23.79 (1) and (2), 23.80 (2), 23.83 (2), 23.84, 23.85, 29.03 (6), 29.09 (9), 29.99 (7), 59.20 (5) (b), 59.395 (5), 110.07 (1) (a) 1 and 3 and (b), 973.05 (1) and (2) and 973.07; and to create 23.51 (9), 167.31, 345.11 (1s), 345.20 (2) (f), 814.60 (2) (f) and 814.63 (3) (f) of the statutes, relating to prohibiting the possession of loaded and uncased weapons in certain vehicles and hunting from highways and providing penalties.

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

SECTION 1. 23.50 (1) and (2) of the statutes are amended to read:

23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit court to recover forfeitures, penalty assessments, applicable weapons assessments, applicable natural resources assessments and applicable natural resources restitution payments for violations of ~~s. ss. 134.60 and 167.31 (2)~~, this chapter and chs. 26 to 31 and 350, and any administrative rules promulgated thereunder and violations of local ordinances enacted by any local authority in accordance with s. 30.77.

(2) All actions to recover these forfeitures, penalty assessments, applicable weapons assessments, applicable natural resources assessments and applicable natural resources restitution payments are civil actions in the name of the state of Wisconsin, shall be heard in the circuit court for the county where the offense occurred, and shall be recovered under the procedure set forth in ss. 23.50 to 23.85.

SECTION 2. 23.51 (9) of the statutes is created to read:

23.51 (9) "Weapons assessment" means the assessment imposed under s. 167.31 (5).

SECTION 3. 23.53 (1) of the statutes is amended to read:

23.53 (1) The citation created under this section shall, in all actions to recover forfeitures, penalty assessments, applicable weapons assessments, applicable natural resources assessments and applicable natural resources restitution payments for violations of those statutes enumerated in s. 23.50 (1) and any administrative rules promulgated thereunder, be used by any law enforcement officer with authority to

enforce those laws, except that the uniform traffic citation created under s. 345.11 may be used by a traffic officer employed under s. 110.07 in enforcing s. 167.31. In accordance with s. 345.11 (1m), the citation shall not be used for violations of ch. 350 relating to highway use. The citation may be used for violations of local ordinances enacted by any local authority in accordance with s. 30.77.

SECTION 4. 23.54 (3) (e), (i) and (j) of the statutes are amended to read:

23.54 (3) (e) The maximum forfeiture, penalty assessment, applicable weapons assessment, applicable natural resources assessment and applicable natural resources restitution payment for which the defendant might be found liable.

(i) Notice that if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus costs, including the fee prescribed in s. 814.63 (1), not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.

(j) Notice that if the defendant makes a deposit and signs the stipulation, the defendant will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus costs, including the fee prescribed in s. 814.63 (1), not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept

the deposit and stipulation, and that the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effects of the stipulation.

SECTION 5. 23.55 (1) (b) of the statutes is amended to read:

23.55 (1) (b) A plain and concise statement of the violation identifying the event or occurrence from which the violation arose and showing that the plaintiff is entitled to relief, the statute upon which the cause of action is based and a demand for a forfeiture, the amount of which shall not exceed the maximum set by the statute involved, a penalty assessment, any applicable weapons assessment, any applicable natural resources assessment, any applicable natural resources restitution payment and such other relief that is sought by the plaintiff.

SECTION 6. 23.56 (2) of the statutes is amended to read:

23.56 (2) In actions to collect forfeitures, penalty assessments, applicable weapons assessments, applicable natural resources assessments and applicable natural resources restitution payments, the judge who issues a warrant under sub. (1) may endorse upon the warrant the amount of the deposit. If no endorsement is made, the deposit schedule under s. 23.66 shall apply, unless the court directs that the person be brought before the court.

SECTION 7. 23.66 (2) and (4) of the statutes are amended to read:

23.66 (2) The person receiving the deposit shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court or municipal court regarding the disposition of the deposit, and notifying the defendant that if he or she fails to appear in court at the time fixed in the citation he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus costs, including the fee prescribed in s. 814.63 (1), not to exceed the amount of the deposit which the court may accept. The original of the receipt shall be delivered to the defendant in person or by mail. If the defendant pays by check, share draft or other draft, the check, share draft or other draft or a microfilm copy of the check, share draft or other draft shall be considered a receipt.

(4) The basic amount of the deposit shall be determined in accordance with a deposit schedule which the judicial conference shall establish. Annually, the judicial conference shall review and may revise the schedule. In addition to the basic amount determined according to the schedule, the deposit shall include court costs, including the fee prescribed in s. 814.63 (1), any applicable penalty assessment, any applicable weapons assessment, any applicable natural resources

assessment and any applicable natural resources restitution payment.

SECTION 8. 23.67 (2) and (3) of the statutes are amended to read:

23.67 (2) The deposit and stipulation of no contest may be made at any time prior to the court appearance date. By signing the stipulation, the defendant is deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus costs, including the fee prescribed in s. 814.63 (1), not to exceed the amount of the deposit.

(3) The person receiving the deposit and stipulation of no contest shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court or municipal court regarding the disposition of the deposit, and notifying the defendant that if the stipulation of no contest is accepted by the court the defendant will be deemed to have submitted to a forfeiture, a penalty assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus costs, including the fee prescribed in s. 814.63 (1), not to exceed the amount of the deposit. Delivery of the receipt shall be made in the same manner as in s. 23.66.

SECTION 9. 23.75 (3) (b) and (c) of the statutes are amended to read:

23.75 (3) (b) If the defendant has made a deposit, the citation may serve as the initial pleading and the defendant shall be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus the fee prescribed in s. 814.63 (1), not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons. If the defendant fails to appear in response to the summons, the court shall issue an arrest warrant. If the court accepts the plea of no contest, the defendant may move within 90 days after the date set for appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If a party is relieved from the plea of no contest, the court or judge may order a written complaint to be filed and set the matter for trial. After trial the costs and fees shall be taxed as provided by law. If on reopening the defendant is found not guilty, the court shall delete the record of conviction and shall order the defendant's deposit returned.

(c) If the defendant has made a deposit and stipulation of no contest, the citation may serve as the initial

pleading and the defendant shall be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment plus the fee prescribed in s. 814.63 (1), not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons. If the defendant fails to appear in response to the summons, the court shall issue an arrest warrant. After signing a stipulation of no contest, the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effect of the stipulation. The court may act on the motion, with or without notice, for cause shown by affidavit and upon just terms, and relieve the defendant from the stipulation and the effects thereof. If the defendant is relieved from the stipulation of no contest, the court may order a citation or complaint to be filed and set the matter for trial. After trial the costs and fees shall be taxed as provided by law.

SECTION 10. 23.79 (1) and (2) of the statutes are amended to read:

23.79 (1) If the defendant is found guilty, the court may enter judgment against the defendant for a monetary amount not to exceed the maximum forfeiture provided by the statute for the violation, the penalty assessment, any applicable weapons assessment, any applicable natural resources assessment, any applicable natural resources restitution payment and for costs.

(2) The payment of any judgment may be suspended or deferred for not more than 90 days in the discretion of the court. In cases where a deposit has been made, any forfeitures, penalty assessments, weapons assessments, natural resources assessments, natural resources restitution payments and costs shall be taken out of the deposit and the balance, if any, returned to the defendant.

SECTION 11. 23.80 (2) of the statutes is amended to read:

23.80 (2) Upon default of the defendant corporation or municipality, or upon conviction, judgment for the amount of the forfeiture, the penalty assessment, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment shall be entered.

SECTION 12. 23.83 (2) of the statutes is amended to read:

23.83 (2) STAY OF EXECUTION. The amount of undertaking required to stay execution on appeal shall not exceed the amount of the maximum forfeiture, applicable weapons assessment, applicable natural resources assessment and applicable natural resources restitution payment plus court costs.

SECTION 13. 23.84 of the statutes is amended to read:

23.84 Forfeitures and penalty assessments collected; to whom paid. Except for actions in municipal court, all moneys collected in favor of the state or a municipality for forfeiture, penalty assessment, applicable weapons assessment, applicable natural resources assessment and applicable natural resources restitution payment shall be paid by the officer who collects the same to the appropriate municipal or county treasurer, within 20 days after its receipt by the officer. In case of any failure in such payment the municipal or county treasurer may collect the payment from the officer by an action in the treasurer's name of office and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid.

SECTION 14. 23.85 of the statutes is amended to read:

23.85 Statement to county board; payment to state. Every county treasurer shall, on the first day of the annual meeting of the county board of supervisors, submit to it a verified statement of all forfeitures, penalty assessments, weapons assessments, natural resources assessments and natural resources restitution payments money received during the year next preceding. The county clerk shall deduct all expenses incurred by the county in recovering such forfeitures, penalty assessments, weapons assessments, natural resources assessments and natural resources restitution payments from the aggregate amount so received, and shall immediately certify to the county treasurer the amount of clear proceeds of such forfeitures, penalty assessments, weapons assessments, natural resources assessments and natural resources restitution payments, so ascertained, who shall pay such proceeds to the state treasurer as provided in s. 59.20.

SECTION 15. 29.03 (6) of the statutes is amended to read:

29.03 (6) Any boat, together with its machinery, sails, tackle and equipment, or any lamp, light, gun, pivot gun, swivel gun, or other firearm used in violation of this chapter or s. 167.31; or any boat, floating raft, box, or blind set in open water and used in hunting game birds.

SECTION 16. 29.09 (9) of the statutes is amended to read:

29.09 (9) DISABLED PERSONS. After proper application and presentation of a current hunting license duly issued to the applicant, the secretary may, after due investigation and without cost, grant a special permit to any person who is unable to walk and requires a wheel chair or prosthetic appliance for mobility, to shoot or hunt from a standing automobile ~~or to~~ that is parked off a highway, as defined under s. 340.01 (22), and parked more than 50 feet from the center of a roadway, as defined under s. 340.01 (54). A person holding a permit under this subsection may hunt any deer, whether a buck or a doe, during the regular deer season, notwithstanding any other provision of this chapter to the contrary. Regardless of deer hunting

party permit limits, any holder of a permit under this section may obtain a party permit deer tag without cost upon application in any area for which a party deer season has been established.

SECTION 17. 29.224 of the statutes is repealed.

SECTION 18. 29.99 (7) of the statutes is amended to read:

29.99 (7) For the violation of s. ~~29.224 (4) (c) or~~ 29.23, or of any ~~statute or~~ administrative rule relating to hunting from an airplane or using an airplane to spot, rally or drive animals for hunting, by a fine of not more than \$1,000 for the first violation and not more than \$2,000 for subsequent violations or imprisonment for not more than 90 days, or both, and by a mandatory 3-year revocation of all hunting, fishing and trapping approvals ~~and, in addition, by payment of a natural resources assessment equal to 75% of the amount of the fine.~~ An airplane used in any such violation ~~of these sections or rules~~ is declared a public nuisance.

SECTION 19. 59.20 (5) (b) of the statutes is amended to read:

59.20 (5) (b) For all court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 165.87 for the penalty assessment surcharge, the amounts required by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the crime victim and witness assistance surcharge, the amounts required by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by s. 346.655 for the driver improvement surcharge, the amounts required by s. 29.997 for the natural resources assessment surcharge and the amount required by s. 29.998 for natural resources restitution payments, transmit to the state treasurer a statement of all moneys required by law to be paid on the actions so entered during the preceding month on or before the first day of the next succeeding month, certified by personal affidavit endorsed upon or attached thereto, and at the same time pay to the state treasurer the amount thereof.

SECTION 20. 59.395 (5) of the statutes is amended to read:

59.395 (5) Pay monthly to the county treasurer for the use of the state the state's percentage of the fees required to be paid on each civil action, criminal action and special proceeding filed during the preceding month and pay monthly to the county treasurer for the use of the state the percentage of court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 165.87 (2) (b) for the penalty assessment surcharge, the amounts required by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the crime victim and witness assistance surcharge, the amounts required by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by s. 346.655 for the driver improvement surcharge, the amounts required under s. 29.997 (1) (d) for the natu-

ral resources assessment surcharge and the amounts required under s. 29.998 (1) (d) for the natural resources restitution payments. The payments shall be made by the 15th day of the month following receipt thereof.

SECTION 20m. 110.07 (1) (a) 1 and 3 and (b) of the statutes are amended to read:

110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and chs. 166, 194, 218, 341 to 349 and 351, and s. 167.31 (2) (b) to (d) and ch. 350 where applicable to highways, or orders or rules issued pursuant thereto.

3. Have authority to enter any place where vehicles subject to this chapter, s. 167.31 (2) (b) to (d) and chs. 194, 218 and 341 to 350 are stored or parked at any time to examine such vehicles, or to stop such vehicles while en route at any time upon the public highways to examine the same and make arrests for all violations thereof.

(b) All municipal judges, judges, district attorneys and law enforcement officers shall assist in enforcing this chapter, s. 167.31 (2) (b) to (d) and chs. 194, 218 and 341 to 351, and orders or rules issued pursuant thereto and shall report to the department the disposition of every uniform traffic citation and complaint issued for cases involving such chapters.

SECTION 21. 167.31 of the statutes is created to read:

167.31 Safe use and transportation of firearms and bows. (1) DEFINITIONS. In this section:

(a) "Aircraft" has the meaning given under s. 114.002 (3).

(b) "Encased" means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed.

(c) "Firearm" means a weapon that acts by force of gunpowder.

(d) "Highway" has the meaning given under s. 340.01 (22).

(e) "Motorboat" has the meaning given under s. 30.50 (6).

(f) "Roadway" has the meaning given under s. 340.01 (54).

(g) "Unloaded" means any of the following:

1. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.

2. In the case of a cap lock muzzle-loading firearm, having the cap removed.

3. In the case of a flint lock muzzle-loading firearm, having the flashpan cleaned of powder.

(h) "Vehicle" has the meaning given under s. 340.01 (74), and includes a snowmobile, as defined under s. 340.01 (58a).

(2) PROHIBITIONS; MOTORBOATS AND VEHICLES; HIGHWAYS AND ROADWAYS. (a) Except as provided in sub. (4), no person may place, possess or transport a

firearm, bow or crossbow in or on a motorboat with the motor running, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

(b) Except as provided in sub. (4), no person may place, possess or transport a firearm, bow or crossbow in or on a vehicle, unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

(c) Except as provided in sub. (4), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

(d) Except as provided in sub. (4) (a) and (e), no person may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within 50 feet of the center of a roadway.

(e) A person who violates pars. (a) to (d) is subject to a forfeiture of not more than \$100.

(3) PROHIBITIONS; AIRCRAFT. (a) Except as provided in sub. (4), no person may place, possess or transport a firearm, bow or crossbow in or on an aircraft, unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

(b) Except as provided in sub. (4), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from an aircraft.

(c) A person who violates par. (a) or (b) shall be fined not more than \$1,000 or imprisoned not more than 90 days or both.

(4) EXCEPTIONS. (a) Subsections (2) and (3) do not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a highway or within 50 feet of the center of a roadway:

1. A peace officer, as defined under s. 939.22 (22).
2. A member of the U.S. armed forces.
3. A member of the national guard.

(b) Subsections (2) (a), (b) and (c) and (3) (a) and (b) do not apply to the holder of a scientific collector permit under s. 29.17 who is using a net gun or tranquilizer gun in an activity related to the purpose for which the permit was issued.

(c) Subsection (2) (b) and (c) does not apply to the holder of a permit under s. 29.09 (9) who is hunting from a standing automobile in accordance with that subsection.

(d) Subsection (2) (b) does not prohibit a person from leaning an unloaded firearm against a vehicle.

(e) Subsection (2) (d) does not apply to a person who is legally hunting small game with a muzzle-loading firearm or with a shotgun loaded with shotshell or chilled shot number BB or smaller, if the surface of the highway or roadway is anything other than concrete or blacktop.

(5) WEAPONS ASSESSMENT. (a) If a court imposes a fine or forfeiture for a violation of this section, the

court shall also impose a weapons assessment equal to 75% of the amount of the fine or forfeiture.

(b) If a fine or forfeiture is suspended in whole or in part, the weapons assessment shall be reduced in proportion to the suspension.

(c) If any deposit is made for an offense to which this subsection applies, the person making the deposit shall also deposit a sufficient amount to include the weapons assessment under this subsection. If the deposit is forfeited, the amount of the weapons assessment shall be transmitted to the state treasurer under par. (d). If the deposit is returned, the amount of the weapons assessment shall also be returned.

(d) The clerk of the circuit court shall collect and transmit to the county treasurer the weapons assessment as required under s. 59.395 (5). The county treasurer shall then pay the state treasurer as provided in s. 59.20 (5) (b). The state treasurer shall deposit all amounts received under this paragraph in the conservation fund to be appropriated under s. 20.370 (3) (mu).

SECTION 21g. 345.11 (1s) of the statutes is created to read:

345.11 (1s) The uniform traffic citation shall be used by a traffic officer employed under s. 110.07 for a violation of s. 167.31 (2) (b), (c) or (d) when committed on a highway.

SECTION 21r. 345.20 (2) (f) of the statutes is created to read:

345.20 (2) (f) Sections 23.50 to 23.85 apply to actions in circuit court to recover forfeitures and weapons assessments for violations of s. 167.31 (2) (b), (c) or (d). No points may be assessed against the driving record of a person convicted of a violation of s. 167.31 (2) (b), (c) or (d). The report of conviction and abstract of court record copy of the citation form shall be forwarded to the department.

SECTION 22. 350.06 of the statutes is repealed.

SECTION 23. 814.60 (2) (f) of the statutes is created to read:

814.60 (2) (f) Weapons assessment imposed by s. 167.31 (5).

SECTION 24. 814.63 (3) (f) of the statutes is created to read:

814.63 (3) (f) Weapons assessment imposed by s. 167.31 (5).

SECTION 25. 973.05 (1) and (2) of the statutes are amended to read:

973.05 (1) When a defendant is sentenced to pay a fine, the court may grant permission for the payment of the fine, of the penalty assessment imposed by s. 165.87, the crime victim and witness assistance surcharge under s. 973.045, any applicable domestic abuse assessment imposed by s. 973.055, any applicable driver improvement surcharge imposed by s. 346.655, any applicable weapons assessment imposed by s. 167.31, any applicable natural resources assessment imposed by s. 29.997 and any applicable natural

resources restitution payment imposed by s. 29.998 to be made within a period not to exceed 60 days. If no such permission is embodied in the sentence, the fine, the penalty assessment, the crime victim and witness assistance surcharge, any applicable domestic abuse assessment, any applicable driver improvement surcharge, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payment shall be payable immediately.

(2) When a defendant is sentenced to pay a fine and is also placed on probation, the court may make the payment of the fine, the penalty assessment, the crime victim and witness assistance surcharge, any applicable domestic abuse assessment, any applicable driver improvement surcharge, any applicable weapons assessment, any applicable natural resources assessment and any applicable natural resources restitution payments a condition of probation. When the payments are made a condition of probation by the court, payments thereon shall be applied first to payment of the penalty assessment until paid in full, shall then be applied to the payment of the crime victim and witness assistance surcharge until paid in full, shall then be applied to payment of the driver improvement surcharge until paid in full, shall then be applied to payment of the domestic abuse assessment until paid

in full, shall then be applied to payment of the natural resources assessment if applicable until paid in full, shall then be applied to payment of the natural resources restitution payment until paid in full, shall then be applied to payment of the weapons assessment until paid in full and shall then be applied to payment of the fine.

SECTION 26. 973.07 of the statutes is amended to read:

973.07 Failure to pay fine or costs. If the fine, costs, penalty assessment, crime victim and witness assistance surcharge, applicable domestic abuse assessment payment, applicable driver improvement surcharge payment, applicable weapons assessment payment, applicable natural resources assessment or applicable natural resources restitution payment are not paid as required by the sentence, the defendant may be committed to the county jail until the fine, costs, penalty assessment, crime victim and witness assistance surcharge, applicable domestic abuse assessment payment, applicable driver improvement surcharge payment, applicable weapons assessment payment, applicable natural resources assessment or applicable natural resources restitution payment are paid or discharged for a period fixed by the court not to exceed 6 months.

SECTION 27. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections 29.05 (1)	Old Cross-References s. 23.50 (1), 346.19	New Cross-References ss. 23.50 (1), 167.31, 346.19
29.05 (8)(a)	346.94 (6) or (6m)	167.31, 346.94 (6) or (6m)

SECTION 28. **Initial applicability.** This act first applies to offenses committed on the effective date of this SECTION.