

1989 Senate Bill 27

Date of enactment: **May 5, 1989**
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1989 WISCONSIN ACT 12

AN ACT *to renumber and amend* 343.44 (2) (b), 343.44 (2) (c), 343.44 (2) (d) and 343.44 (2) (e); *to amend* 757.69 (1) (b), 977.05 (4) (i) 3 and 977.08 (2) (c); and *to create* 343.44 (2) (b) 2, 343.44 (2) (c) 2, 343.44 (2) (d) 2 and 343.44 (2) (e) 2 of the statutes, **relating to:** reimbursement of attorneys and investigators for providing services under the state public defender program, right to counsel in misdemeanor cases, operating a motor vehicle after revocation or suspension of operating privileges, providing penalties and making an appropriation.

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

SECTION 1cc. 343.44 (2) (b) of the statutes is renumbered 343.44 (2) (b) 1. and amended to read:

343.44 (2) (b) 1. ~~For Except as provided in subd. 2.~~ for a 2nd conviction under this section or a local ordinance in conformity with this section within 5 years, a person shall be fined not less than \$300 nor more than \$1,000 and shall be imprisoned not less than 10 days nor more than 6 months.

SECTION 1ce. 343.44 (2) (b) 2. of the statutes is created to read:

343.44 (2) (b) 2. If the revocation or suspension that is the basis of a violation was imposed solely due to a failure to pay a fine or a forfeiture, the person shall forfeit not less than \$300 nor more than \$1,000.

SECTION 1cg. 343.44 (2) (c) of the statutes is renumbered 343.44 (2) (c) 1. and amended to read:

343.44 (2) (c) 1. ~~For Except as provided in subd. 2.~~ for a 3rd conviction under this section or a local ordinance in conformity with this section within 5 years, a person shall be fined not less than \$1,000 nor more than \$2,000 and shall be imprisoned not less than 30 days nor more than 9 months.

SECTION 1ci. 343.44 (2) (c) 2. of the statutes is created to read:

343.44 (2) (c) 2. If the revocation or suspension that is the basis of a violation was imposed solely due to a fail-

ure to pay a fine or a forfeiture, the person shall forfeit not less than \$1,000 nor more than \$2,000.

SECTION 1cm. 343.44 (2) (d) of the statutes is renumbered 343.44 (2) (d) 1. and amended to read:

343.44 (2) (d) 1. ~~For Except as provided in subd. 2.~~ for a 4th conviction under this section or a local ordinance in conformity with this section within 5 years, a person shall be fined not less than \$1,500 nor more than \$2,000 and shall be imprisoned not less than 60 days nor more than one year in the county jail.

SECTION 1cp. 343.44 (2) (d) 2. of the statutes is created to read:

343.44 (2) (d) 2. If the revocation or suspension that is the basis of a violation was imposed solely due to a failure to pay a fine or a forfeiture, the person shall forfeit not less than \$1,500 nor more than \$2,000.

SECTION 1cr. 343.44 (2) (e) of the statutes is renumbered 343.44 (2) (e) 1. and amended to read:

343.44 (2) (e) 1. ~~For Except as provided in subd. 2.~~ for a 5th or subsequent conviction under this section or a local ordinance in conformity with this section within 5 years, a person shall be fined not less than \$2,000 nor more than \$2,500 and shall be imprisoned for not less than 6 months nor more than one year in the county jail.

SECTION 1cx. 343.44 (2) (e) 2. of the statutes is created to read:

343.44 (2) (e) 2. If the revocation or suspension that is the basis of a violation was imposed solely due to a fail-

– 2 –

ure to pay a fine or a forfeiture, the person shall forfeit not less than \$2,000 nor more than \$2,500.

SECTION 1h. 757.69 (1) (b) of the statutes is amended to read:

757.69 (1) (b) In criminal matters issue summonses, arrest warrants or search warrants and conduct initial appearances of persons arrested and set bail to the same extent as a judge. At the initial appearance, the court commissioner shall, when necessary, inform the defendant in accordance with s. 970.02 (1). If the defendant appears or claims to be unable to afford counsel, the court commissioner, in accordance with s. 970.02 (6), may refer the person to the authority for indigency determinations specified under s. 977.07 (1). If the court commissioner is a full-time court commissioner, he or she may conduct the preliminary examination to the same extent as a judge. If a court refers a disputed restitution issue under s. 973.20 (13) (c) 4., the court commissioner shall conduct the hearing on the matter in accordance with s. 973.20 (13) (c) 4.

1989 Senate Bill 27

SECTION 1m. 977.05 (4) (i) 3. of the statutes is amended to read:

977.05 (4) (i) 3. Cases involving persons charged with a misdemeanor that is punishable by imprisonment but is not specified under subd. 1.

SECTION 1p. 977.08 (2) (c) of the statutes is amended to read:

977.08 (2) (c) Cases involving persons charged with a misdemeanor that is punishable by imprisonment but is not specified under par. (a).

SECTION 2. Appropriation changes. The dollar amount in the schedule under section 20.005 (3) of the statutes for the appropriation to the public defender board under section 20.550 (1) (d) of the statutes, as affected by the acts of 1987 and 1989, is increased by \$2,246,800 for fiscal year 1988–89 to provide reimbursement of private attorneys acting as counsel for indigents.

SECTION 2m. Initial applicability. The treatment of sections 757.69 (1) (b), 977.05 (4) (i) 3. and 977.08 (2) (c) of the statutes first applies to cases assigned on the effective date of this SECTION.