

State of Wisconsin



1995 Assembly Bill 134

Date of enactment: April 22, 1996

Date of publication*: May 6, 1996

1995 WISCONSIN ACT 262

AN ACT to repeal 895.035 (4m); to amend 814.04 (intro.) and 895.035 (4); and to create 895.035 (2g) of the statutes; relating to: ordinance violations regarding graffiti.

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

SECTION 1g. 814.04 (intro.) of the statutes, as affected by 1995 Wisconsin Acts 24, 27, section 7148c, and 133, is amended to read:

814.04 Items of costs. Except as provided in ss. 93.20, 106.04 (6) (i) and (6m) (a), 769.313, 814.025, 814.245, 895.035 (4) and (4m), 895.75 (3), 895.77 (2), 895.79 (3), 895.80 (3), 943.212 (2) (b), 943.245 (2) (d) and 943.51 (2) (b), when allowed costs shall be as follows:

SECTION 1m. 895.035 (2g) of the statutes is created to read:

895.035 (2g) The parent or parents with custody of a minor child are liable for the cost of the repair or replacement of, or the removal of the etching, marking, drawing or writing from, property damaged as the result of a violation of an ordinance that prohibits intentional etching or marking, drawing or writing with paint, ink or other substance on the physical property of another without the other's consent.

SECTION 2g. 895.035 (4) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

895.035 (4) Except for recovery for graffiti damage under sub. (4m) and for recovery for retail theft under s. 943.51, the maximum recovery from any parent or parents may not exceed the amount specified in s. 799.01 (1) (d) for damages resulting from any one act of a child in addition to taxable costs and disbursements and reasonable attorney fees, as determined by the court. If 2 or more children in the custody of the same parent or parents commit the same act the total recovery may not exceed the amount specified in s. 799.01 (1) (d), in addition to taxable costs and disbursements. The maximum recovery from any parent or parents for retail theft by their minor child is established under s. 943.51.

SECTION 2m. 895.035 (4m) of the statutes, as created by 1995 Wisconsin Act 24, is repealed.

SECTION 3. Initial applicability.

(1) This act first applies to violations committed on the effective date of this subsection.

SECTION 4m. Effective date.

(1) This act takes effect on July 1, 1996, or the day after publication, whichever is later.

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].