



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa1151/1
RPN:wlj:km

**SENATE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 335**

February 3, 2000 - Offered by COMMITTEE ON JUDICIARY AND CONSUMER AFFAIRS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 19: after that line insert:

3 “SECTION 4m. 800.04 (1) (d) of the statutes is amended to read:

4 800.04 (1) (d) If a defendant charged with the violation of an ordinance which
5 is in conformity with s. 346.63 (1) or (5) pleads not guilty and within 10 days after
6 entry of the plea requests a jury trial and pays the required fees, the municipal judge
7 shall promptly transmit all papers and fees in the cause to the clerk of the circuit
8 court of the county where the violation occurred for a jury trial under s. 345.43. The
9 plea of not guilty and request for jury trial may be made by mail. If the person refused
10 to take a test under s. 343.305 (3) and requested a hearing under s. 343.305 (9) to
11 determine if the person’s refusal was proper, the papers and fees involved in that
12 action shall be transferred to the same circuit court, which shall conduct the refusal
13 hearing. The amount of deposit set out in the citation shall accompany the mailed

1 request. Upon receipt of the request, the circuit court shall set a time for trial. Any
2 deposit made personally or by mail is forfeited upon nonappearance at the time set
3 for trial. The required fee for a jury is prescribed in s. 814.61 (4).

4 **SECTION 4r.** 800.07 of the statutes is amended to read:

5 **800.07 Discovery in municipal court.** Neither party is entitled to pretrial
6 discovery in any action in municipal court, including refusal hearings held by a
7 municipal court under s. 343.305 (9), except that if the defendant moves within 30
8 days after the initial appearance in person or by an attorney and shows cause
9 therefor, the court may order that the defendant be allowed to inspect documents,
10 including lists of names and addresses of witnesses, if available, and to test under
11 s. 804.09, under such conditions as the court prescribes, any devices used by the
12 plaintiff to determine whether a violation has been committed.”.

13 (END)