

State of Misconsin 2003 - 2004 LEGISLATURE

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## ASSEMBLY AMENDMENT 2, TO 2003 ASSEMBLY BILL 724

February 9, 2004 - Offered by Representative MUSSER.

1	At the locations indicated, amend the bill as follows:
2	<b>1.</b> Page 5, line 19: after that line insert:
3	"Section 4g. 165.755 (1) (b) of the statutes, as affected by 2003 Wisconsin Acts $% \left( 1,1,2,2,3,3,3,3,3,3,3,3,3,3,3,3,3,3,3,3,$
4	30 and (Assembly Bill 421), is amended to read:
5	165.755 (1) (b) A court may not impose the crime laboratories and drug law
6	enforcement surcharge under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar),
7	(bm), or (br) or (5) (b), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63
8	(1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood
9	alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation,
10	or for a violation of a state law or municipal or county ordinance involving a
11	nonmoving traffic violation <u>, a seating violation under s. 347.482</u> , or a safety belt <u>or</u>
12	<u>restraint</u> use violation under s. 347.48 (2m) <u>or (4)</u> .

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<b>2</b>

**SECTION 4r.** 302.46 (1) (a) of the statutes, as affected by 2003 Wisconsin Acts 30 and .... (Assembly Bill 421), is amended to read:

- 2 -

3 302.46 (1) (a) On or after October 1, 1987, if If a court imposes a fine or 4 forfeiture for a violation of state law or for a violation of a municipal or county  $\mathbf{5}$ ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5), 6 or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 7 (1) (b), if the person who committed the violation had a blood alcohol concentration 8 of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of state 9 laws or municipal or county ordinances involving nonmoving traffic violations, seating violations under s. 347.482, or safety belt or restraint use violations under 10 s. 347.48 (2m) or (4), the court, in addition, shall impose a jail surcharge under ch. 11 12814 in an amount of 1% of the fine or forfeiture imposed or \$10, whichever is greater. 13If multiple offenses are involved, the court shall determine the jail surcharge on the 14 basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part, 15the court shall reduce the jail surcharge in proportion to the suspension.".

## 16 **2.** Page 11, line 14: after that line insert:

17 "SECTION 21c. 757.05 (1) (a) of the statutes, as affected by 2003 Wisconsin Acts
18 30 and .... (Assembly Bill 421), is amended to read:

19757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of20state law or for a violation of a municipal or county ordinance except for a violation21of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5), or for a first violation of s. 23.3322(4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who23committed the violation had a blood alcohol concentration of 0.08 or more but less24than 0.1 at the time of the violation, or for a violation of state laws or municipal or

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county ordinances involving nonmoving traffic violations, seating violations under
<u>s. 347.482</u>, or safety belt or restraint use violations under s. 347.48 (2m) or (4), there
shall be imposed in addition a penalty surcharge under ch. 814 in an amount of 24%
of the fine or forfeiture imposed. If multiple offenses are involved, the penalty
surcharge shall be based upon the total fine or forfeiture for all offenses. When a fine
or forfeiture is suspended in whole or in part, the penalty surcharge shall be reduced
in proportion to the suspension.

8 SECTION 21f. 814.63 (1) (c) of the statutes, as affected by 2003 Wisconsin Act
9 30, is amended to read:

814.63 (1) (c) This subsection does not apply to an action for a violation of s.
101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5), for a first violation of s. 23.33 (4c) (a)
2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the
violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the
time of the violation, or for a violation of a safety belt or restraint use violation under
s. 347.48 (2m) or (4) or a seating violation under s. 347.482.

SECTION 21i. 814.63 (2) of the statutes, as affected by 2003 Wisconsin Act 30,
is amended to read:

18 814.63 (2) Upon the disposition of a forfeiture action in circuit court for 19 violation of a county, town, city, village, town sanitary district or public inland lake 20 protection and rehabilitation district ordinance, except for an action for a first 21 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the 22 person who committed the violation had a blood alcohol concentration of 0.08 or more 23 but less than 0.1 at the time of the violation, or for a safety belt <u>or restraint</u> use 24 violation under s. 347.48 (2m) or (4) or a seating violation under s. 347.482, the 2003 – 2004 Legislature

county, town, city, village, town sanitary district or public inland lake protection and 1  $\mathbf{2}$ rehabilitation district shall pay a nonrefundable fee of \$5 to the clerk of circuit court. 3 **SECTION 21L.** 814.65 (1) of the statutes, as affected by 2003 Wisconsin Act 30, 4 is amended to read: 5 814.65 (1) COURT COSTS. In a municipal court action, except for an action for 6 a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) 7 (b), if the person who committed the violation had a blood alcohol concentration of 8 0.08 or more but less than 0.1 at the time of the violation, or for a violation of an 9 ordinance in conformity with s. 347.48 (2m) or (4) or 347.482, the municipal judge 10 shall collect a fee of not less than \$15 nor more than \$23 on each separate matter, 11 whether it is on default of appearance, a plea of guilty or no contest, on issuance of 12a warrant or summons, or the action is tried as a contested matter. Of each fee 13received by the judge under this subsection, the municipal treasurer shall pay 14monthly \$5 to the state treasurer for deposit in the general fund and shall retain the 15balance for the use of the municipality. 16 **SECTION 21s.** 814.85 (1) (a) of the statutes, as affected by 2003 Wisconsin Acts 1730, 33 and .... (Assembly Bill 421), is amended to read: 814.85 (1) (a) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 18 19 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the 20violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the 21time of the violation, or for a safety belt or restraint use violation under s. 347.48 (2m) 22or (4) or a seating violation under s. 347.482, the clerk of circuit court shall charge 23and collect a \$68 court support services surcharge from any person, including any  $\mathbf{24}$ governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), 25(3), or (8) (am) or 814.63 (1).

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SECTION 21t. 814.86 (1) of the statutes, as affected by 2003 Wisconsin Acts 30
and .... (Assembly Bill 421), is amended to read:
814.86 (1) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681
(1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation
had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the

violation, or for a safety belt <u>or restraint</u> use violation under s. 347.48 (2m) <u>or (4) or</u>
<u>a seating violation under s. 347.482</u>, the clerk of circuit court shall charge and collect
a \$9 justice information system surcharge from any person, including any
governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a),
(3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information
system surcharge is in addition to the surcharge listed in this section.

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## SECTION 21u. Nonstatutory provisions.

13 (1) Notwithstanding section 347.50 (1) and (3) (a) of the statutes, as affected 14by this act, during the period beginning on the effective date of this subsection and 15ending on January 1, 2005, if a law enforcement officer has probable cause to believe 16 that a person has committed a violation of section 347.48 (2m) or (4) of the statutes. 17as affected by this act, or of section 347.482 of the statutes, as created by this act, the law enforcement officer shall issue to the person a written warning, but not a 18 19 citation, for the violation if the person has not been found to have committed, or 20 received a written warning for, a previous violation during this period. If a law 21enforcement officer issues a written warning under this subsection, the officer shall 22forward a copy of the warning to the department of transportation, which shall 23maintain a record of the warning in the person's file under section 343.23 (2) (a) of 24the statutes until January 1, 2005.".

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(END)