



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1184/P1
MLJ:skw

DOA:.....Hamer, BB0098 - Diversion/restitution alternative requirement

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CRIMES

Alternatives to prosecution for disorderly conduct

This bill creates a requirement that a prosecutor offers to certain disorderly conduct defendants a deferred prosecution agreement or an agreement in which the defendant stipulates to his or her guilt of a noncriminal ordinance violation. Under the bill, a prosecutor must offer such options to a person who has committed a disorderly conduct violation if it is the person's first disorderly conduct violation, the person has not committed a similar violation previously, and the person has not committed a felony in the previous three years. Under the bill, if the person is offered a deferred prosecution agreement, he or she must be required to pay restitution, if applicable.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 967.056 of the statutes is created to read:

967.056 Prosecution of offenses; disorderly conduct. (1) If a person is accused of or charged with disorderly conduct in violation of s. 947.01 or a local ordinance in conformity with s. 947.01, a prosecutor shall offer the person an alternative to prosecution under sub. (2) if all of the following apply:

(a) The accused or charged violation is the person's first violation of s. 947.01.

(b) The person has not previously been convicted of a misdemeanor or felony for conduct that is substantially similar to the accused or charged violation.

(c) The person has not been convicted of a felony in this state or of a violation in another state that would be a felony if committed by an adult in this state in the preceding 3 years.

(2) A prosecutor shall offer one of the following alternatives to prosecution to a qualifying person under sub. (1):

(a) A deferred prosecution agreement that includes restitution, if applicable.

(b) An agreement in which the defendant stipulates to his or her guilt of a noncriminal ordinance violation that includes payment of a forfeiture.

(END)