



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 306
[2005 Assembly Bill 725]

**Nonappearance Under Section
778.25 Citation Procedure**

Act 306 addresses the citation procedure under s. 778.25, Stats. This citation procedure applies to violations of rules promulgated by the University of Wisconsin Board of Regents and to other violations, including: underage possession or use of alcohol, cigarettes, or drug paraphernalia; harassment; body passing or alcohol use at sporting events; damage to state property; and noncompliance with rental unit standards.

Currently, if a citation is issued under s. 778.25 and the person who receives the citation fails to make a deposit and fails to appear in court at the time fixed in the citation, the court may only issue a summons or an arrest warrant. Under other citation procedures that apply, for example, to violations of natural resources laws, traffic violations, and municipal ordinance violations, a court in this circumstance may alternatively consider the violator's nonappearance a plea of no contest and enter judgment accordingly.

Act 306 allows the court, under the citation procedure in s. 778.25, when the violator does not make a deposit and fails to appear in court at the time fixed in the citation, to consider the violator's nonappearance to be a plea of no contest and enter judgment accordingly. The alternative to issue a summons or arrest warrant is retained. The Act also revises the notice included in the citation to reflect that the court may consider a nonappearance, when the defendant does not make a deposit, to be a plea of no contest and enter judgment accordingly. Current language regarding reopening a judgment will apply to no contest plea judgments entered under the Act.

Effective Date: Act 306 takes effect August 1, 2006.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.