

State of Misconsin 1995 - 1996 LEGISLATURE

## **1995 ASSEMBLY BILL 104**

February 6, 1995 – Introduced by Representatives GARD, HUTCHISON, HANDRICK, SILBAUGH, LEHMAN, KAUFERT, WARD, BRANDEMUEHL, LADWIG, OTT, ZIEGELBAUER, GOETSCH, FREESE and GREEN, cosponsored by Senators PANZER, ROSENZWEIG and DARLING. Referred to Committee on Highways and Transportation.

1 AN ACT to amend 343.30 (5); and to create 23.795 (3) of the statutes; relating

2 **to:** revocation or suspension of a person's operating privilege for failure to pay

a judgment entered for violating hunting, fishing and certain other laws.

## Analysis by the Legislative Reference Bureau

Current law sets forth a procedure to be used by arresting officials and the courts for violations of hunting and fishing laws and certain other laws, most of which are administered by the department of natural resources. Under current law, if the defendant fails to appear in court at the time fixed in the complaint and has not made a deposit, the court may issue a summons or an arrest warrant or consider the nonappearance to be a plea of no contest and enter judgment against the defendant.

Current law allows courts to enter judgments for payments of forfeitures by defendants who are found guilty of violating these laws. Under current law, if the defendant fails to pay a forfeiture, a court may imprison the defendant for up to 5 days, or until the judgment is paid, or order the judgment modified or stayed. Instead of imprisoning the defendant, the court may revoke or suspend the defendant's hunting and fishing privileges. This bill allows the court to revoke or suspend the defendant's motor vehicle operating privileges for up to one year or until the judgment is paid.

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.** 23.795 (3) of the statutes is created to read:

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1	23.795 (3) In lieu of an order of imprisonment under sub. (1) (a), the court may
2	revoke or suspend the defendant's operating privilege, as defined in s. 340.01 (40),
3	for a period not to exceed one year, or until the judgment is paid, whichever occurs
4	first. The court shall immediately take possession of any suspended or revoked
5	operating privilege and forward it to the department of transportation together with
6	the record of conviction and notice of suspension or revocation.
7	<b>SECTION 2.</b> 343.30 (5) of the statutes is amended to read:
8	343.30 (5) No court may suspend or revoke an operating privilege except as
9	authorized by this chapter or ch. 48, 345 or 351 or s. <u>23.795 or</u> 161.50. When a court
10	revokes, suspends or restricts a child's operating privilege under ch. 48, the
11	department of transportation shall not disclose information concerning or relating
12	to the revocation, suspension or restriction to any person other than a court, district
13	attorney, county corporation counsel, city, village or town attorney, law enforcement
14	agency, or the minor whose operating privilege is revoked, suspended or restricted,
15	or his or her parent or guardian. Persons entitled to receive this information shall
16	not disclose the information to other persons or agencies.

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## SECTION 3. Initial applicability.

18 (1) This act first applies to violations occurring on the effective date of this19 subsection.

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(END)