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Joint Committee on Finance

Paper #410

DNA Collection at Arrest and the DNA Analysis Surcharge (Justice -- DNA Collection)

[LFB 2013-15 Budget Summary: Page 283, #1]

CURRENT LAW

Deoxyribonucleic acid (DNA) analysis is a forensic tool utilized by law enforcement to solve crimes. Under s. 165.77 of the statutes, the state crime laboratories at the Department of Justice (DOJ) are required to provide DNA analysis and maintain a DNA databank. The laboratories are required to analyze the DNA in a human biological specimen, if requested: (a) by a law enforcement agency regarding an investigation; (b) pursuant to a court order; and (c) by an individual regarding his or her own specimen, subject to rules established by DOJ.

Under current law, the following persons are required to submit a biological specimen for development and inclusion in the state's DNA database:

1. Those found guilty or delinquent of first- or second-degree sexual assault, engaging in repeated sexual assaults of the same child, or sexual assault of a child placed in substitute care (this category includes those in institutional care or those found not guilty of such crimes by reason of mental disease or defect);
2. Those committed as sexually violent persons;
3. Those in prison for a felony committed in Wisconsin;
4. Those sentenced to prison or placed on probation for a felony conviction (this category includes those in institutional care, or those found not guilty of such crimes by reason of mental disease or defect);

5. Those convicted of certain serious crimes ordered by a judge to submit a DNA sample (this category includes those in institutional care or those found not guilty of such crimes by reason of mental disease or defect);

6. Those on parole, extended supervision or on probation in another state (but supervised in Wisconsin) for a violation in the other state that the Department of Corrections determines would be subject to 1 or 4 above, if committed in Wisconsin; or

7. Those convicted of misdemeanor violations of: (a) intentional failure to submit a required biological specimen; (b) fourth-degree sexual assault; (c) lewd and lascivious behavior; and (d) exposing genitals or pubic area. This category includes those in institutional care, or those found not guilty of such crimes by reason of mental disease or defect.

GOVERNOR

Provide \$2,178,100 PR and 16.0 PR positions in 2013-14, and \$3,930,400 PR and 26.0 PR positions in 2014-15, to collect DNA samples at arrest or conviction from juveniles and adults for specified alleged offenses or convictions. Funding would include: (a) \$1,155,800 in 2013-14, and \$2,071,800 in 2014-15, in supplies and services costs; (b) \$661,300 in 2013-14, and \$1,274,600 in 2014-15 for salary and fringe benefit costs; (c) \$192,600 in 2013-14, and \$426,300 in 2014-15 in rent costs; (d) \$168,400 in 2013-14, and \$147,700 in 2014-15 for one-time financing costs; and (e) \$10,000 in 2014-15 for local assistance.

The DNA collection at arrest initiative would be provided additional expenditure authority of \$2,178,100 PR in 2013-14, and \$3,680,400 PR in 2014-15, which is supported by the \$13 crime laboratory and drug law enforcement surcharge and the \$250 DNA surcharge. The bill would permit DOJ to pay persons in charge of law enforcement and tribal law enforcement agencies for the costs of collecting biological specimens. Under current law, DOJ is limited to paying county sheriffs for costs incurred to collect biological specimens.

Delete current law which provides that a court must impose a \$250 DNA surcharge if an individual is sentenced or placed on probation for the following violations: (a) sexual assault; (b) first or second degree sexual assault of a child; (c) engaging in repeated act of sexual assault of the same child; and (d) sexual assault of a child placed in substitute care. Further, delete current law which provides that a court may impose a \$250 DNA surcharge if an individual is sentenced or placed on probation for a felony violation.

Instead, provide that if a court imposes a sentence or places a person on probation for any felony or misdemeanor violation, the court must impose the DNA surcharge. Under the bill, for each felony conviction a \$250 DNA surcharge would be imposed, while for each misdemeanor conviction a \$200 DNA surcharge would be imposed. The administration estimates that these fee changes would generate additional revenue of \$1,989,400 PR in 2013-14, and \$3,546,800 PR in 2014-15.

The initiative would also be funded from \$250,000 PR in additional expenditure authority

provided in 2014-15 to the crime laboratory equipment and supplies appropriation, which is supported by penalty surcharge revenue. The bill would amend the appropriation to permit DOJ to utilize expenditure authority to pay for operating costs of the state crime laboratories. Under current law, this appropriation may only be utilized to address crime laboratory equipment costs and crime laboratory equipment supply costs.

Collection of Biological Samples from Juveniles When Taken into Custody. Provide that, subject to rules promulgated by DOJ, all persons in charge of law enforcement and tribal law enforcement agencies must obtain, when the individual's fingerprints or other identifying data are obtained, a biological specimen for DNA analysis from each minor taken into custody for an alleged violation that would be a felony if committed by an adult in this state or for an alleged misdemeanor violation constituting fourth degree sexual assault, endangering safety by use of a dangerous weapon, lewd and lascivious behavior, prostitution, pandering, patronizing prostitutes, failure to submit a biological specimen, or exposing genitals or pubic area to a child. The person in charge of the law enforcement or tribal law enforcement agency must submit the specimen to the State Crime Laboratories for DNA analysis and inclusion of the individual's DNA profile in the DOJ DNA data bank. Provide that DNA samples must be obtained and submitted as specified in rule by DOJ.

If a juvenile has been taken into custody or is before the court on the basis of an alleged violation that would be a felony if committed by an adult in this state or for an alleged misdemeanor violation listed above, the court in certain juvenile delinquency proceedings must determine if a biological specimen has been obtained from the juvenile, and if not, the court must direct the law enforcement agency or tribal law enforcement agency to obtain a biological specimen from the juvenile and submit it to the State Crime Laboratories as specified in rule by DOJ.

Collection of Biological Samples from Juveniles at Other Times. Provide that a court must require a juvenile to provide a biological specimen to the State Crime Laboratories for DNA analysis if: (a) the juvenile was found not responsible by reason of mental disease or defect; (b) the juvenile is before the court on a petition filed under a court order because there was a probable cause finding that the juvenile is dangerous and mentally ill or drug dependent or developmentally disabled and is a proper subject for treatment; and (c) the juvenile is found to have committed a violation that would be a felony if committed by an adult in this state or a misdemeanor violation listed above.

Provide that a juvenile must provide a biological specimen to the State Crime Laboratories for DNA analysis if the juvenile was adjudicated delinquent for an act that if committed by an adult in this state would be a felony or a misdemeanor violation listed above.

Delete the current law provision which provides that if a juvenile is adjudicated delinquent for any violation of chapters 940 (crimes against life and bodily security), 944 (crimes against sexual morality), 948 (crimes against children), s. 943.01 (damage to property); and s. 943.15 (entry onto a construction site or into a locked building, dwelling, or room), the court may require the juvenile to provide a biological specimen for DNA analysis.

[Under current law juveniles are generally not required to provide a biological specimen for a misdemeanor violation and are required to provide a biological specimen for the following felony violations: (a) sexual assault; (b) first or second degree sexual assault of a child; (c) engaging in repeated acts of sexual assault of the same child; and (d) sexual assault of a child placed in substitute care.]

Collection of Biological Samples from Adults at Arrest. Provide that, subject to rules promulgated by DOJ, all persons in charge of law enforcement and tribal law enforcement agencies must obtain, when the individual's fingerprints or other identifying data are obtained, a biological specimen for DNA analysis from each individual arrested for an alleged felony or for an alleged misdemeanor violation constituting fourth degree sexual assault, endangering safety by use of a dangerous weapon, lewd and lascivious behavior, prostitution, pandering, patronizing prostitutes, failure to submit a biological specimen, or exposing genitals or pubic area to a child. The person in charge of the law enforcement or tribal law enforcement agency must submit the specimen to the State Crime Laboratories for DNA analysis and inclusion of the individual's DNA profile in the DOJ DNA data bank. Provide that DNA samples must be obtained and submitted as specified in rule by DOJ.

If the alleged offense is a felony or an alleged misdemeanor violation listed above, the judge at the initial appearance must determine if a biological specimen has been obtained from the defendant, and if not, the judge must direct that a law enforcement agency or tribal law enforcement agency obtain a biological specimen from the defendant and submit it to the State Crime Laboratories as specified in rules by DOJ.

Collection of Biological Samples from Adults at Other Times. Specify that if a court imposes a sentence or places a person on probation for any felony or misdemeanor conviction, the court must require the person to provide a biological specimen to the State Crime Laboratories for DNA analysis. [Under current law, this requirement only applies to a felony conviction and for convictions for failure to submit a biological specimen, fourth degree sexual assault, lewd and lascivious behavior, and for a misdemeanor violation of exposing genitals or pubic area.]

Specify that an adult must provide a biological specimen to the State Crime Laboratories for DNA analysis: (a) for any misdemeanor conviction; or (b) if sentenced or placed on probation on or after August 12, 1993, for a sexual assault violation, first or second degree sexual assault of a child, or engaging in repeated acts of sexual assault of the same child.

If an individual is found not guilty by reason of mental disease or defect for a misdemeanor violation constituting fourth degree sexual assault, endangering safety by use of a dangerous weapon, lewd and lascivious behavior, prostitution, pandering, or patronizing prostitutes, the court must require the person to provide a biological specimen to the State Crime Laboratories for DNA analysis. Required biological specimens must be obtained and submitted as specified in administrative rules promulgated by DOJ. [Under current law, if an individual is found not guilty by reason of mental disease or defect for a felony, or for a misdemeanor violation of failure to submit a biological specimen or exposing genitals or pubic area to a child, the court must require the person to provide a biological specimen to the State Crime

Laboratories for DNA analysis.]

Authorized Use of Force and Immunity to Collect Biological Specimen. A law enforcement officer, a jail officer, a tribal officer, a correctional officer, a probation, extended supervision or parole officer, or an employee of the Department of Health Services may use reasonable force to obtain a biological specimen from a person who intentionally refuses to provide a biological specimen that is required under state law. These officers and employees are immune from civil or criminal liability for collecting a biological specimen if the individual is required to provide a specimen under state law, collection is completed in compliance with this section, and the collection is performed in good faith and in a reasonable manner.

Destruction of Collected Biological Specimens. Delete the current law requirement that the State Crime Laboratories must destroy human biological specimens obtained under the DNA sample collection laws after analysis has been completed and the applicable court proceedings have concluded.

Removal of DNA Analysis Data from DOJ's DNA Data Bank. Delete current law which provides that a person whose DNA analysis data has been included in DOJ's DNA data bank may request expungement on the grounds that his or her conviction or adjudication has been reversed, set aside, or vacated. Under current law, the State Crime Laboratories must purge all records and identifiable information in DOJ's DNA data bank pertaining to the person and destroy all samples from the person if it receives: (a) the person's written request for expungement; and (b) a certified copy of the court order reversing, setting aside or vacating the conviction or adjudication.

Instead, provide that a person whose DNA analysis data has been included in the DOJ DNA data bank may request expungement on the grounds that all of the following conditions are satisfied:

a. If the person was required to submit a biological specimen as the result of a criminal conviction, juvenile delinquency finding, or commitment, all convictions or adjudications for which the person was required to submit a biological specimen have been reversed, set aside, or vacated.

b. If the adult or juvenile was required to provide a biological specimen at arrest or taking into custody one of the following applies: (1) at least one year has passed since the person was arrested or taken into custody and no criminal complaint or delinquency petition alleging that the person committed a violation of law requiring the submission of a biological specimen has been filed against the person in connection with the arrest or taking into custody; (2) all charges, criminal complaints, or delinquency petitions alleging that the person violated a law requiring the submission of a biological specimen in connection with the arrest or taking into custody have been dismissed; (3) the trial court reached final disposition for all charges in connection with the arrest or taking into custody, and for any charges or allegations for which the person was required to provide a biological specimen, and the person was not convicted or adjudged delinquent in connection with the arrest or taking into custody or any charge for which the person was required to provide a biological specimen; and (4) the person was convicted or

adjudged delinquent for a crime or juvenile offense requiring the submission of a biological specimen in connection with the arrest or taking into custody and the conviction or delinquency adjudication has been reversed, set aside, or vacated.

Provide that if an individual has satisfied the conditions to request expungement of his or her DNA analysis data from DOJ's DNA data bank, the State Crime Laboratories must purge all records and identifiable information in the data bank pertaining to the person and destroy all samples from the person upon receiving the person's written request for expungement and any documentation DOJ requires under its administrative rules.

Allowance to Use any Data Residing in DOJ's DNA Data Bank, However Received. An entry in the DOJ DNA data bank that is found to be erroneous does not prohibit the legitimate use of the entry to further a criminal investigation or prosecution. The failure of a law enforcement agency or the State Crime Laboratories to comply with state law regarding the collection of biological specimens, or any rules or procedures adopted to administer this law, is not grounds for challenging the validity of the data collection, for challenging the use of the sample, or for the suppression of evidence based upon or derived from any entry in the data bank.

Administration of DNA Sample Collection. Delete current law which specifies that unless otherwise provided by rule a person who is required to provide a biological specimen must provide the biological specimen at the following time and place:

a. If the person has been placed on probation by a court in this state, as soon as practicable after placement at the office of a county sheriff, except, if directed otherwise by the person's probation, extended supervision, and parole agent, then as directed by the agent;

b. If the person has been on probation, parole, or extended supervision in this state from another state and the Department of Corrections directs the person to provide a biological specimen, as soon as practicable after placement at the office of a county sheriff, except, if directed otherwise by the person's probation, extended supervision, and parole agent, then as directed by the agent;

c. If the person has been placed on supervision as a juvenile, as soon as practicable after placement at the office of the county sheriff, except, if directed otherwise by the agency providing supervision, then as directed by the agency;

d. If the person has been sentenced to prison, while in prison as directed by the Department of Corrections; and if the person does not provide the biological sample while in prison, then as soon as practicable after release from the prison at the office of a county sheriff, except, if directed otherwise by his or her probation, parole, and extended supervision agent, then as directed by the agent;

e. If the person has been placed in a juvenile correctional facility or a secured residential care center for children and youth, while in the facility or center as directed by the Department of Corrections; and if the juvenile does not provide the biological specimen while in

the facility or center, then as soon as practicable after release from the facility or center, at the office of a county sheriff, except, if directed otherwise by the agency providing supervision, then as directed by the agency;

f. If the person has been sentenced to a county jail or county house of corrections, as directed by the office of the county sheriff as soon as practicable after sentencing; and if the person does not provide the biological specimen while in the county jail or county house of corrections, as soon after release from the county jail or county house of corrections as practicable, at the office of the county sheriff;

g. If the person has been involuntary committed for treatment, committed because found not guilty by reason of mental disease or defect, or found to be a sexually violent person, then as directed by the Department of Health Services;

h. If a. through g. does not apply, as soon as practicable after the obligation to provide a biological specimen accrues at the office of a county sheriff, except, if directed otherwise by the agent or agency providing supervision or having legal or physical custody of the person.

In addition, delete current law which provides that if a county sheriff, the Department of Corrections, or the Department of Health Services determines that a person who is required to submit a biological specimen has submitted a biological specimen and that data obtained from analysis of the person's biological specimen is included in DOJ's DNA data bank, the person is not required to submit another biological specimen.

Instead, require DOJ to promulgate rules to: (a) establish procedures and time limits for obtaining and submitting biological specimens; (b) specify whether an individual who is required to provide a biological specimen for DNA analysis must provide a new biological specimen if the crime laboratories already have a biological specimen from the individual or if data obtained from DNA analysis of the individual's biological specimen are already included in the DOJ DNA data bank; (c) allow a biological specimen or data obtained from analysis of a biological specimen to be submitted for inclusion in one or more national index systems; and (d) provide reimbursement for the collection of biological specimens to a person in charge of a law enforcement agency or tribal law enforcement agency at a rate of \$10 per specimen except that, if DOJ already has a biological specimen, or data obtained from analysis of a biological specimen, from the individual, DOJ may not reimburse the person in charge of the agency.

Further, amend current law to provide that DOJ must promulgate rules to carry out its DNA collection duties, instead of specifying that the Department may promulgate such rules.

Finally, provide that DOJ may, by rule, bring the method to obtain or to submit a biological specimen in conformity with the act of Congress known as the Katie Sepich Enhanced DNA Collection Act of 2012 (HR-6014) to apply for nonsupplanting grant funding under that Act.

[The federal Katie Sepich Enhanced DNA Collection Act creates a grant program funded

at \$10 million annually to fund expenses incurred by a state to implement a DNA collection at arrest program. As a condition to receiving a grant under the program, a state must have a procedure in place to: (a) provide written notification of expungement provisions and instructions for requesting expungement to all persons who submit a DNA profile; (b) provide the eligibility criteria for expungement and instructions for requesting expungement on an appropriate public Web site; and (c) make a determination on all expungement requests no later than 90 days after receipt and provide a written response of the determination to the requesting party.]

Nonstatutory Legislative Findings. Under the bill, the Legislature finds that:

a. the state has a compelling interest in the accurate identification of criminal offenders and that there is a critical and urgent need to provide law enforcement officers and agencies with the latest scientific technology available for accurately and expeditiously identifying, apprehending, arresting, and convicting criminal offenders and exonerating individuals wrongly suspected or accused of a crime.

b. deoxyribonucleic acid testing allows a more certain and rapid identification of offenders as well as the exoneration of those wrongfully suspected or accused and that deoxyribonucleic acid data banks are an important tool in criminal investigations and in deterring and detecting recidivist acts.

c. deoxyribonucleic acid testing at the earliest stages of criminal and juvenile proceedings will help prevent perpetrators from concealing their identities and will prevent time-consuming and expensive investigations of innocent individuals.

d. the degree of intrusion on an individual's privacy interests is minimized by the method of collection of the biological sample, by the policy of using only deoxyribonucleic acid sequences not currently associated with any known physical or medical characteristics in the creation of a deoxyribonucleic acid profile, by the limited purposes for which a deoxyribonucleic acid profile may be used under state and federal law, and by the availability of expungement for individuals who are not charged with or convicted of the offenses for which the deoxyribonucleic acid sample was collected.

Initial Applicability. Provide that the changes made to the application and amount of the \$250 DNA surcharge would first apply to sentences imposed or probation placements made on the day after publication of the 2013-15 biennial budget bill.

Specify that these remaining provisions would first apply on the first day of the 15th month beginning after publication of the 2013-15 biennial budget bill:

a. The expanded requirement that a juvenile as a part of a delinquency adjudication provide a biological specimen to the State Crime Laboratories for DNA analysis if the juvenile is found to have committed a violation that would be a felony if committed by an adult in this state or a misdemeanor violation constituting fourth degree sexual assault, endangering safety by use of a dangerous weapon, lewd and lascivious behavior, prostitution, pandering, patronizing

prostitutes, failure to submit a biological specimen, or exposing genitals or pubic area to a child.

b. The modified requirements applicable to requests for expungement of an individual's DNA analysis data included in the DOJ DNA data bank.

c. The requirement to collect biological specimens from juveniles when taken into custody and adults when arrested

d. The requirement that a court in certain juvenile delinquency proceedings must determine if a biological specimen has been obtained from the juvenile, and if not, the court must direct the law enforcement agency or tribal law enforcement agency to obtain a biological sample from the juvenile and submit it to the State Crime Laboratories.

e. The requirement that a judge at the initial appearance must determine if any required biological specimen has been obtained from the defendant, and if not, the judge must direct that a law enforcement agency or a tribal law enforcement agency obtain a biological specimen from the defendant and submit it to the State Crime Laboratories.

f. The expanded requirement to obtain biological specimens from defendants found not guilty by reason of mental disease or defect and provide these specimens to the State Crime Laboratories for DNA analysis.

g. The expanded requirement for a court to require a person to provide a biological sample to the State Crime Laboratories for DNA analysis any time the court imposes a sentence or places a person on probation for any misdemeanor conviction.

Effective Date. The proposed law changes regarding the DNA surcharge would take effect on the day after publication of the 2013-15 biennial budget bill. The remaining proposed law changes regarding biological specimen collection and analysis would take effect on the first day of the 15th month beginning after publication of the 2013-15 biennial budget bill.

DISCUSSION POINTS

1. Current law generally limits the collection of biological specimens from adults to those individuals who have been convicted of a felony. Under current law, juveniles are generally not required to provide a biological specimen for a misdemeanor violation but are required to provide a biological specimen for the following felony violations: (a) sexual assault; (b) first or second degree sexual assault of a child; (c) engaging in repeated acts of sexual assault of the same child; and (d) sexual assault of a child placed in substitute care. Under current law, DOJ processes approximately 13,000 biological samples annually.

2. The provisions of AB 40 would provide that all persons in charge of law enforcement and tribal law enforcement agencies must obtain, when an adult's fingerprints or other identifying data are obtained, a biological specimen for DNA analysis from each adult individual arrested for an alleged felony or for an alleged misdemeanor violation constituting fourth degree sexual assault, endangering safety by use of a dangerous weapon, lewd and lascivious behavior,

prostitution, pandering, patronizing prostitutes, failure to submit a biological specimen, or exposing genitals or pubic area to a child. The Department estimates that expanding biological sample collection to adults arrested for a felony violation would increase the number of collected and processed biological samples by 25,000 annually. In arriving at this estimate, DOJ excluded all individuals arrested for felony violations under current law who are convicted of these felony violations. The 25,000 additional adults from whom biological samples would be collected annually under this provision include adults: (a) subsequently convicted of a misdemeanor; (b) subsequently found liable for a civil violation; (c) subsequently acquitted; (d) for whom charges are later dropped; and (e) never charged. In addition, the provisions of AB 40 would also require law enforcement to collect biological samples from individuals at arrest who will go on to be convicted of a felony charge.

3. Assembly Bill 40 would further provide that all persons in charge of law enforcement and tribal law enforcement agencies must obtain, when a minor's fingerprints or other identifying data are obtained, a biological specimen for DNA analysis from each minor taken into custody for an alleged violation that would be a felony if committed by an adult in this state, or for an alleged misdemeanor listed above. The Department estimates that these provisions, in addition to the collection of biological samples from adults at arrest for the specified misdemeanors, would increase the number of collected and processed biological samples by 2,760 annually.

4. This would include 1,600 samples collected annually from juveniles arrested for alleged felony violations. As biological samples are only collected from juveniles under current law for four types of felony violations, the minors from whom samples would be collected under this provision would include minors: (a) subsequently convicted of a felony violation; (b) subsequently convicted of a misdemeanor violation; (c) subsequently found liable for a civil violation; (d) subsequently acquitted; (e) for whom charges are later dropped; and (f) never charged.

5. The Department estimates that 1,160 samples would be collected annually from adults and juveniles arrested for the following misdemeanor violations: (a) fourth degree sexual assault; (b) endangering safety by use of a dangerous weapon; (c) lewd and lascivious behavior; (d) prostitution; (e) pandering; (f) patronizing prostitutes; (g) failure to submit a biological specimen; or (h) exposing genitals or pubic area to a child. The individuals from whom samples would be collected under this provision would include individuals: (a) subsequently convicted of a misdemeanor violation; (b) subsequently found liable for a civil violation; (c) subsequently acquitted; (d) for whom charges are later dropped; and (e) never charged.

6. Finally, AB 40 would require a court imposing a sentence or placing an adult on probation for any misdemeanor conviction to require the person to provide a biological specimen to the state crime laboratories for DNA analysis. The Department estimates that an additional 40,000 samples annually would be collected from these adults convicted of a misdemeanor.

7. In summary, the additional caseload of biological samples collected under AB 40 would be primarily attributable to individuals: (a) subsequently convicted of a misdemeanor violation (more than 40,000 annually); (b) subsequently found liable for a civil violation; (c) subsequently acquitted; (d) for whom charges are later dropped; and (e) never charged. Of the 67,760 additional samples estimated to be collected annually under the provisions of AB 40, an

estimated 1,600 annually would be collected from juveniles arrested for alleged felony violations. However, as with adults arrested for alleged felony violations, many of these juveniles may not ultimately be convicted of a felony violation.

8. The possible collection of DNA at arrest under the provisions of AB 40 raises constitutional issues that are currently before the U.S. Supreme Court. Department of Justice staff has indicated that they expect a decision in this case before the end of June, 2013, "Absent the very unusual circumstance in which the Supreme Court holds a case over to the next term."

9. The Legislative Council staff summarized the Maryland case that is currently before the U.S. Supreme Court as follows:

"In 2012, Maryland's highest court held that Maryland's law authorizing DNA collection from arrestees was unconstitutional as applied to the defendant in the case. [*King v. Maryland*, 422 Md. 353 (2011).] The defendant, Alonzo Jay King, Jr., was arrested in 2009 on assault charges. Pursuant to Maryland's law authorizing the collection of DNA from certain arrestees, law enforcement officials collected a buccal swab [mouth swab] sample from King on the day of his arrest. An analysis of the sample showed a match with DNA collected from a rape victim in an unsolved case from 2003. On the basis of that match, King was convicted of first-degree rape for the 2003 crime. The government argued that it had an "overriding" interest in collecting DNA from arrestees in order to ensure that arrested persons were accurately identified.

The court held that King's expectation of privacy outweighed the government's interest in using DNA to obtain accurate identification, particularly because fingerprinting and photo identification were sufficient, alternative means by which the government might have positively identified King. However, the court explicitly left open the possibility that in a future case, a DNA sample might be a more necessary means by which the government might need to obtain an accurate identification prior to a defendant's conviction."

10. In its review of the constitutionality of collecting DNA from arrestees, the Legislative Council staff concluded by stating that:

"The flurry of judicial decisions with divergent outcomes sets the stage for U.S. Supreme Court consideration of the collection and analysis of arrestee DNA. Until a Supreme Court ruling settles the question, the constitutionality of such collection and analysis remains uncertain.

Judicial review of DNA collection could be complicated by developing scientific understandings of the nature of DNA. To the extent that DNA collection may be compared with fingerprinting, a long accepted practice, it is more likely to survive judicial scrutiny. In contrast, if DNA analysis of "junk DNA" is found to reveal more private or sensitive information than mere identity, it may be viewed as a greater privacy intrusion than fingerprinting and thus more legally suspect."

11. When considering extending the collection of biological samples to arrest and for misdemeanor convictions, the Legislature will arguably be asked to balance the interests of the government in advancing public safety, with the rights of citizens under the Constitution to be

protected from government overreach.

12. Under AB 40, the Governor has created a nonstatutory legislative findings section that states the Legislature finds that:

a. the state has a compelling interest in the accurate identification of criminal offenders and that there is a critical and urgent need to provide law enforcement officers and agencies with the latest scientific technology available for accurately and expeditiously identifying, apprehending, arresting, and convicting criminal offenders and exonerating individuals wrongly suspected or accused of a crime.

b. deoxyribonucleic acid testing allows a more certain and rapid identification of offenders as well as the exoneration of those wrongfully suspected or accused and that deoxyribonucleic acid data banks are an important tool in criminal investigations and in deterring and detecting recidivist acts.

c. deoxyribonucleic acid testing at the earliest stages of criminal and juvenile proceedings will help prevent perpetrators from concealing their identities and will prevent time-consuming and expensive investigations of innocent individuals.

d. the degree of intrusion on an individual's privacy interests is minimized by the method of collection of the biological sample, by the policy of using only deoxyribonucleic acid sequences not currently associated with any known physical or medical characteristics in the creation of a deoxyribonucleic acid profile, by the limited purposes for which a deoxyribonucleic acid profile may be used under state and federal law, and by the availability of expungement for individuals who are not charged with or convicted of the offenses for which the deoxyribonucleic acid sample was collected.

13. The Committee might conclude that collecting a biological sample from an arrestee is little different than the long established practice of collecting fingerprints from individuals at arrest. Even though the individual has not been convicted of any wrongdoing, fingerprints are collected at arrest to assist law enforcement with establishing the identity of the individual. These fingerprints are added to the state criminal database and represent an additional law enforcement tool to identify individuals and solve crimes. If the Committee views the collection of biological samples from citizens as more akin to fingerprint collection, the Committee could approve the expansion of DNA collection under AB 40. In addition, the Committee could view this proposal favorably as DNA collection at arrest would permit the state to advance the timeframe in which biological samples from individuals, who will ultimately be convicted of a felony, are collected.

14. If the Committee were to adopt the DNA collection provisions under AB 40, developed DNA profiles from individuals arrested for a felony or specified misdemeanors could assist the state in accurately identifying these individuals. In addition, it is estimated that the number of DNA profiles being added to the state DNA databank would increase from 13,000 annually under current law, to an estimated 80,760 annually. An expanded state DNA databank would serve as a resource for state law enforcement to solve crimes, and to prevent crimes from occurring by identifying individuals who have committed a crime before they can commit

additional crimes.

15. If the Committee agrees with the legislative findings regarding the DNA at arrest proposal, and in order to gain the public safety benefits associated with an expanded DNA databank, the Committee could consider adopting the recommendations under AB 40. This would include providing \$2,178,100 PR and 16.0 PR positions in 2013-14, and \$3,930,400 PR and 26.0 PR positions in 2014-15, to DOJ to collect DNA samples at arrest or conviction from juveniles and adults for specified alleged offenses or convictions. The funding for this proposal would primarily come from an amended and expanded DNA surcharge. Under AB 40, it is estimated that the changes to the DNA surcharge, in particular creating a \$200 DNA surcharge that would be applied to misdemeanor convictions, would generate additional revenue of \$1,989,400 PR in 2013-14, and \$3,546,800 PR in 2014-15. [Alternative 1]

16. Under 2011 Act 32, the Legislature required that DNA resources provided to DOJ be separately tracked for budgetary purposes. As a result, these resources cannot be applied by the Department for other functions, but are dedicated to DNA. Under AB 40, as introduced, the administration inadvertently provided the additional resources for DNA to DOJ's state crime laboratories subprogram. As with other DNA resources, the Committee could consider providing any additional DNA resources to the DNA subprogram. [Alternative 2]

17. In reviewing the Department's request for additional resources to fund expanded DNA collection, the Department has not quantified how the additional requested resources correlate with the estimated increased caseload under the recommendation. Department staff has indicated that, "Because of variability from case to case, the department cannot easily correlate a number of annual DNA cases to DNA analyst positions." For the recommendation as a whole, or if the Committee approves either component of the recommendation (DNA collection at felony arrest or DNA collection from adults at misdemeanor conviction), the Committee could consider approving the surcharge changes to the DNA surcharge, but delete the funding and positions provided for the DNA collection expansion under the bill. Under this alternative, resources to implement any expanded DNA collection could be provided to the Department under passive review based on a request that quantifies the need for resources based on the estimated caseload. As the provisions providing for expanded DNA collection (other than provisions affecting the DNA surcharge) would not take effect until the first day of the 15th month beginning after publication of the 2013-15 biennial budget bill, arguably DOJ would have the ability to re-examine the budget for any expanded DNA collection early in the 2013-15 biennium based on any statutory modifications adopted by the Legislature. [Alternative 3]

18. If the Committee does not approve both components of expanded DNA collection (DNA collection at felony arrest and DNA collection from adults at misdemeanor conviction), the Committee could still adopt Alternative 3. While the revised DNA surcharge could generate more funding than may be required if the entire DNA collection recommendation is not approved, the state's recent history with surcharge collections has demonstrated that collections from these surcharges can be unpredictable. The Committee could maintain the DNA surcharge changes as proposed under the bill and re-estimate the surcharge in 2015-17, based on actual collections experience.

19. If the Committee has concerns regarding the availability of initial resources prior to approval of any passive review request from the Department, the Committee could consider creating 5.0 of the 16.0 first-year positions recommended under the bill, including one-time and annual supplies and services funding associated with the positions. Under this alternative, DOJ would be provided 5.0 PR positions and \$431,400 PR in 2013-14, and 5.0 PR positions and \$400,000 PR in 2014-15. Under this alternative, the remaining resources provided under AB 40 (11.0 PR positions and \$1,746,700 PR in 2013-14, and 21.0 PR positions and \$3,530,400 PR in 2014-15) would be initially deleted until DOJ returns to the Committee under passive review. [Alternative 4]

20. On the other hand, concerns could be raised regarding requiring the collection of biological specimens at arrest for adults and juveniles arrested for either a felony violation or for a specified misdemeanor violation. First, in terms of establishing the individual's identity for law enforcement, law enforcement already has other very successful tools to establish an individual's identity, including fingerprints and mug shots. Second, the criminal justice system is built upon the idea of checks and balances. In order to protect the rights of citizens from government power, an individual cannot be confined in prison based on the accusation of a law enforcement officer that a crime occurred. Rather, law enforcement must make the case to a prosecutor that the case should be charged. The prosecutor may elect to either pursue the case or drop the case for insufficient evidence to support the charge. If the prosecutor does charge the individual with a crime, the prosecutor must then make a case to a jury that the individual committed a crime. Under the criminal justice system, even the power of the jury is limited. The jury cannot convict the individual unless the jury finds that the evidence supports the conclusion that the individual committed a crime beyond a reasonable doubt.

21. While under current law only individuals duly convicted of a felony or other specified crime are required to provide a biological sample and have their DNA profile included in the DNA databank, under AB 40 an individual could be required to produce a biological specimen at arrest based only on the assertion of law enforcement that he or she committed a felony or specified misdemeanor.

22. It is estimated that 25,000 people annually are arrested for, but not convicted of, a felony. While the rationale for collecting biological samples from individuals arrested for a felony is arguably that such individuals represent a greater public safety threat, 25,000 individuals arrested every year for a felony are ultimately not convicted of a felony.

23. For these reasons the Committee could consider deleting the element of the proposal requiring that biological samples be collected from adults and juveniles arrested for a felony or specified misdemeanor violations (including the collection of biological samples from juveniles found not responsible by reason of mental disease or defect). [Alternative 5]

24. Under AB 40, more than 40,000 adults who are convicted annually of misdemeanor violations would be required to provide biological specimens for inclusion in the state DNA databank. Appendix I provides information compiled by the Legislative Reference Bureau as to all current law misdemeanors in statute. Wisconsin law differentiates between felony violations, which are the most serious violations of the state's criminal code, and misdemeanor violations, which while more substantial violations of state law and criminal in nature, do not rise to the level of a

felony violation. Under AB 40, any individual convicted of violating any law identified in Appendix I would be required to provide a biological specimen and have his or her DNA profile included for the remainder of his or her life in the state DNA databank.

25. In order to provide the Committee with some additional perspective on the question of requiring individuals convicted of a misdemeanor violation to provide a biological specimen for inclusion in the state's DNA databank, Appendix II provides overview information on the misdemeanor caseload for the state's circuit courts in 2012.

26. If the Committee concludes that the public safety threat posed by individuals convicted of a misdemeanor does not generally warrant including these individuals in the state's DNA databank, the Committee could delete the portion of the recommendation requiring adults convicted of a misdemeanor to provide a biological sample for inclusion in the state's DNA databank (including the collection of biological samples from adults found not guilty by reason of mental disease or defect. [Alternative 6]

27. On the other hand, if the Committee concludes that the public safety threat posed by individuals convicted of a misdemeanor does warrant their inclusion in the state's DNA databank, the Committee could approve the recommendation. In addition, not all individuals who commit misdemeanor violations stop with misdemeanor violations. Some individuals who commit misdemeanor violations may later go on to commit felony violations.

28. If the Committee deletes the requirement to either collect biological specimens at arrest or for adult misdemeanor convictions, the Committee could also consider deleting the nonstatutory legislative findings if it concludes that these findings are incompatible in whole or in part with the remaining proposal. Further, the appropriateness of legislative findings created by the executive branch could be questioned. [Alternative 7]

29. Assembly Bill 40 would expand the collection of biological samples from juveniles at conviction to include adjudicated delinquencies for any act that if committed by an adult in this state would be a felony or a specified misdemeanor. [Current law generally limits the required collection of biological samples from juveniles to the following felony violations: (a) sexual assault; (b) first or second degree sexual assault of a child; (c) engaging in repeated acts of sexual assault of the same child; and (d) sexual assault of a child placed in substitute care.] If the Committee concludes that biological samples should be collected from juveniles for felony violations just as they are collected from adults for felony violations, the Committee could adopt this provision under AB 40. Alternatively, if the Committee concludes that juveniles should be distinguished from adults in this regard, the Committee could maintain current law and delete the provision. [Alternative 8]

30. Under AB 40, if a biological specimen was collected from an individual at arrest and state law subsequently no longer justified the resulting DNA profile's continued inclusion in the state's DNA databank (if, for example, the individual was never charged), an individual would have to affirmatively request expungement of the record from DOJ. Under the bill, the Department would not be required to proactively delete DNA profiles for which state law no longer justified their continued inclusion in the DNA databank.

31. The Department indicates that under current law the duty of seeking expungement also falls to the individual. In addition, Department staff has expressed concerns that requiring the Department to proactively delete these records would be administratively burdensome and time consuming. The Department has developed a high-order estimate that requiring the Department to proactively delete these records would require: (a) annual funding of \$2,631,700 for 35 to 40 new criminal history records specialists; (b) one-time space costs of \$1 million to \$2 million; and (c) a two-year IT project to develop needed interfaces and infrastructure totaling \$2 million to \$3 million. Finally, the Department indicates that most states that have extended DNA collection to arrest place the burden on the individual to seek expungement of his or her record. As a result of these considerations, the Committee could consider maintaining the expungement provisions as provided under AB 40.

32. On the other hand, under circumstances in which no provision of state law justifies the continued inclusion of a citizen's DNA profile in the state DNA databank, it could be argued that the state has a moral obligation to remove the citizen's profile from the databank. If the Committee agrees, the Committee could require that DOJ proactively delete these records if the statute of limitations for the alleged violation that led to the arrest has expired. As the statute of limitations for a felony violation is generally six years, this alternative would in addition to, and not in lieu of, an individual's right to petition for expungement. Under this alternative, the Committee could provide \$10,263,400 GPR in 2013-14, to the Joint Committee on Finance's GPR supplemental appropriation. After the development of a detailed justification for the funding, a s. 13.10 request could be submitted to the Joint Committee on Finance for the release of the funding and creation of any approved positions. [Alternative 9]

33. Finally, AB 40 would provide that an entry in the state DNA data bank that was found to be erroneous would not prohibit the legitimate use of the entry to further a criminal investigation or prosecution. The failure of a law enforcement agency or the State Crime Laboratories to comply with state law regarding the collection of biological specimens, or any rules or procedures adopted to administer this law, would not be grounds for challenging the validity of the data collection, for challenging the use of the sample, or for the suppression of evidence based upon or derived from any entry in the data bank.

34. Department of Justice described the value of this provision as follows:

"On rare occasions, officers acting in good faith collect biological specimens from individuals in the criminal justice system who are not obligated to provide a specimen. The information subsequently results in a hit on a cold case offense. Section 1935 [this provision under AB 40] protects the admissibility of the results in a court proceeding.

Notably, if the collection of DNA was not in good faith and violates the 4th Amendment, the evidence would not be admissible as a matter of constitutional law. Section 1935 thus strikes the proper balance to protect individual rights while not requiring an innocent error to undermine the prosecution of a murderer, rapist, or other criminal."

35. If the Committee agrees with the Department, the Committee could adopt the provision as introduced under AB 40. On the other hand, in order to encourage best practices and to protect the rights of citizens, statutory provisions may create penalties for government agencies if

relevant government staff does not comply with state law. As a result, the Committee could also consider deleting this provision. [Alternative 10]

36. If, based on the issues identified above, the Committee would not want to extend DNA collection to either individuals arrested for a felony or to adults convicted of a misdemeanor, the Committee could delete the recommendation. If the Governor's recommendation is deleted, current law collections of DNA samples at conviction for a felony would continue to apply. [Alternative 11]

ALTERNATIVES

1. Approve the Governor's recommendation to provide \$2,178,100 PR and 16.0 PR positions in 2013-14, and \$3,930,400 PR and 26.0 PR positions in 2014-15, to collect DNA samples at arrest or conviction from juveniles and adults for specified alleged offenses or convictions. Delete current law which provides that a court may impose a \$250 DNA surcharge if an individual is sentenced or placed on probation for a felony violation. Instead, provide that if a court imposes a sentence or places a person on probation for any felony or misdemeanor conviction, the court must impose the DNA surcharge. Provide that for each felony conviction a \$250 DNA surcharge would be imposed, while for each misdemeanor conviction a \$200 DNA surcharge would be imposed. [The administration estimates that these surcharge changes would generate additional revenue of \$1,989,400 PR in 2013-14, and \$3,546,800 PR in 2014-15.] Adopt the related provisions of AB 40 implementing an expanded collection of DNA at felony arrest and for adult misdemeanor convictions.

2. Provide that the additional funding and positions for DNA be deleted from the crime laboratories subprogram and provided to the DNA subprogram. [This alternative would place funding into the correct budgetary subprogram in DOJ.]

3. Delete the funding and positions provided to DOJ under AB 40 to implement an expanded collection of DNA at felony arrest and for adult misdemeanor convictions. [Under this alternative, funding and positions for any expanded collection of DNA could be provided to DOJ at a later time based on the demonstrated need for additional resources in a passive review request to the Joint Committee on Finance.]

ALT 3	Change to Bill	
	Funding	Positions
PR	- \$6,108,500	- 26.00

4. Delete 11.0 PR positions and \$1,746,700 PR in 2013-14, and 21.0 PR positions and \$3,530,400 PR in 2014-15. [Under this alternative, DOJ would be provided 5.0 PR positions and \$431,400 PR in 2013-14, and 5.0 PR positions and \$400,000 PR in 2014-15, to begin implementation of any approved DNA collection expansion.]

ALT 4	Change to Bill	
	Funding	Positions
PR	- \$5,277,100	- 21.00

5. Delete the requirement that biological samples be collected from adults and juveniles arrested for a felony or the following misdemeanor violations: (a) fourth degree sexual assault; (b) endangering safety by use of a dangerous weapon; (c) lewd and lascivious behavior; (d) prostitution; (e) pandering; (f) patronizing prostitutes; (g) failure to submit a biological specimen; or (h) exposing genitals or pubic area to a child. In addition, delete a similar requirement that biological samples be collected from juveniles found not responsible by reason of mental disease or defect.

6. Delete the requirement that biological samples be collected from adults convicted of a misdemeanor. In addition, delete a similar requirement that biological samples be collected from adults found not guilty by reason of mental disease or defect for specified misdemeanor violations.

7. Delete the nonstatutory legislative findings.

8. Delete the provision that would expand the collection of biological samples from juveniles at conviction to include adjudicated delinquencies for any act that if committed by an adult in this state would be a felony or one of the following misdemeanors: (a) fourth degree sexual assault; (b) endangering safety by use of a dangerous weapon; (c) lewd and lascivious behavior; (d) prostitution; (e) pandering; (f) patronizing prostitutes; (g) failure to submit a biological specimen; or (h) exposing genitals or pubic area to a child.

9. Require the DOJ to delete the DNA profile of an individual from the state DNA databank, along with any related materials and file, if state law would not otherwise require the inclusion of the DNA profile in the state DNA databank and the statute of limitations for prosecuting the case has expired. In addition, provide \$10,263,400 GPR in 2013-14, to the Joint Committee on Finance's GPR supplemental appropriation to provide funding for a request from DOJ to implement this requirement. [Under this alternative, after the development of a detailed justification for the funding, a s. 13.10 request could be submitted to the Joint Committee on Finance for the release of the funding and creation of any approved positions.]

ALT 9	Change to Bill	
	Funding	
GPR	\$10,263,400	

10. Delete the provision which provides that: (a) an entry in the state DNA databank that was found to be erroneous would not prohibit the legitimate use of the entry to further a criminal investigation or prosecution; and (b) failure of a law enforcement agency or the State Crime Laboratories to comply with state law regarding the collection of biological specimens, or any rules or procedures adopted to administer the law, would not be grounds for challenging the validity of

the data collection, for challenging the use of the sample, or for the suppression of evidence based upon or derived from any entry in the data bank.

11. Delete provision.

ALT 11	Change to Bill
	Funding Positions
PR-REV	- \$5,536,200
PR	- \$6,108,500 - 26.00

Prepared by: Paul Onsager
Attachment

APPENDIX I

Current Law Misdemeanor Offenses

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
11.61(1)(c)	Various campaign financing violations	Max. \$1,000, 6 months		\$1,000		6 months
12.03 and 12.60(1)(b)	Electioneering on election day by certain persons at certain locations	Max. \$1,000, 6 months		1,000		6 months
12.05 and 12.60(1)(b)	False representations affecting elections	Max. \$1,000, 6 months		1,000		6 months
12.07 and 12.60(1)(b)	Election restrictions on employers	Max. \$1,000, 6 months		1,000		6 months
12.08 and 12.60(1)(b)	Causing another to support a candidate by threatening to deny government benefits	Max. \$1,000, 6 months		1,000		6 months
12.13 (2) (b) 8. or (3) (b), (c), (d), (g), (i), (n) to (x), (ze), (zm) or (zn) and 12.60(1)(b)	Certain acts of election fraud	Max. \$1,000, 6 months		1,000		6 months
12.60(1)(bm)	Unauthorized release of records or investigatory information relating to elections	Max. \$10,000, 9 months		10,000		9 months
13.27(2)	Contempt of the legislature	Max. \$200, 1 year		200		1 year
13.69(3)	Falsified statements on a lobbying expense statement	Max. \$1,000, 1 year		1,000		1 year
16.009(5)(b)	Discriminating against any person cooperating with the Board on Aging and Long-Term Care	Max. \$1,000, 6 months		1,000		6 months
16.845(1)	Use of state facilities without a permit	Max. \$100, 30 days		100		30 days
16.846(1)(a)	Violations of Department of Administration rules relating to the use, care, and preservation of property under department control	Max. \$100, 30 days		100		30 days
19.24	Refusal by a public officer to deliver to a successor money and other property belonging to the office	Max. \$100, 6 months		100		6 months
19.58(1)(a)	Intentional violations of the code of ethics for public officials and employees	\$100-\$5,000; Max. 1 year	\$100	5,000		1 year

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
20.906(3)	Improper use of a receipts form issued by or for a state agency collecting or receiving money for the state					
23.095(3)(d)2.	Intentional damage or attempt to damage an archaeological feature or natural resource	Max. \$10,000, 9 months		\$10,000		9 months
23.22(8)(b) and (c)	Violations of Department of Natural Resources rules controlling invasive species	\$700-\$5,000; 6-9 months	\$700	5,000	6 months	9 months
23.24(6)(b)	Violations relating to aquatic plant management (second offense within five years)	\$700-\$2,000; 6-9 months	700	2,000	6 months	9 months
23.33(13)(b)2.	Intoxicated operation of an all-terrain vehicle or utility terrain vehicle (second offense within five years)	\$300-\$1,100; 5 days-6 months	300	1,100	5 days	6 months
23.33(13)(b)3.	Intoxicated operation of an all-terrain vehicle or utility terrain vehicle (third or subsequent offense within five years)	\$600-\$2,000; 30 days- 1 year	600	2,000	30 days	1 year
23.33(13)(c)	Intoxicated operation of an all-terrain vehicle or utility terrain vehicle causing injury	\$600-\$2,000; 30 days- 1 year	300	2,000	30 days	1 year
26.14(5)	Failure to totally extinguish a fire (second or subsequent offense)	Max. \$500, 30 days		500		30 days
26.14(6)	Causing a forest fire	Max. \$1,000, 90 days		1,000		90 days
26.14(7)	Setting a fire upon marsh or other land to drive out game birds or animals	Max. \$1,000, 90 days		1,000		90 days
26.19(1)	Destruction of forest protection equipment or notices	Max. \$10,000, 9 months		10,000		9 months
26.20(9)(b)	Willful violations by a corporation relating to fire protection devices	Max. \$1,000		1,000		
26.985(2)	Violations relating to the protection of forest lands and productivity (second or third offense within five years)	Max. \$100, 6 months		100		6 months
26.985(3)	Violations relating to the protection of forest lands and productivity (fourth or subsequent offense within three years)	Max. \$2,000, 9 months		2,000		9 months

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
29.088(2)	Taking, capturing, or killing wild animals with the aid of any explosive or poison gas	Max. \$300, 30 days		\$300		30 days
29.314(7)(a)	Shining deer, elk, or bear while hunting or possessing weapons	\$1,000-\$2,000; Max. 6 months	\$1,000	2,000		6 months
29.331(5)(b)	Tampering with lawfully placed animal traps	\$300-\$1,000; Max. 90 days	300	1,000		90 days
29.341(2)	Failure to follow lawful procedures and duties following an accidental shooting while hunting	Max. \$5,000, 9 months (neglect) or 1 year (intentional)		5,000		9 months (neglect); 1 year (intentional)
29.501(10)	Violations relating to fur dealers	Max. \$1,000, 9 months		1,000		9 months
29.601(1)(b)	Use of explosives or stupefactive in state waters	Max. \$500, 90 days		500		90 days
29.601(3)(c)2.	Throwing or depositing deleterious substances in state waters	Max. \$200, 90 days		200		90 days
29.604(5)(a)1.	Intentionally taking, transporting, possessing, processing, or selling within the state an endangered or threatened wild animal	\$2,000-\$5,000; Max. 9 months	2,000	5,000		9 months
29.604(5)(a)2.	Intentional violations relating to endangered and threatened plant species	Max. \$1,000, 9 months		1,000		9 months
29.957	Tampering with Department of Natural Resources seals or tags attached to an animal, carcass, or object	Max. \$500, 90 days		500		90 days
29.964(1)	Changing or altering a Department of Natural Resources approval	Max. \$200, 90 days		200		90 days
29.967(1)(b)	Violations relating to a suspended or revoked Department of Natural Resources approval (second or subsequent offense within five years)	\$500-\$1,000	500	1,000		
29.967(3)	Obtaining a Department of Natural Resources approval during a period of time when that approval is revoked	Max. \$200, 90 days		200		90 days
29.971(1)(b)	Violations relating to taking, transporting, acquiring, selling, purchasing, or possessing fish	\$1,000-\$5,000; Max. 30 days	1,000	5,000		30 days
29.971(1m)(b)	Violations relating to possession of clams	Max. \$5,000, 30 days		5,000		30 days

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
29.971(5)	Violations relating to the sale of wild animals	\$1,000-\$2,000; Max. 6 months	\$1,000	\$2,000		6 months
29.971(5g)	Violations relating to serving game to guests of restaurants, clubs, hotels, boarding houses, taverns, or camps	Max. \$500, 90 days		500		90 days
29.971(5m)	Illegally taking or possessing lake sturgeon	\$1,500; Max. 90 days	1,500	1,500		90 days
29.971(7)	Hunting with the aid of an aircraft	Max. \$1,000 (1st offense) or \$2,000 (subsequent offenses), 90 days		1,000 (1st violation); 2,000 (subsequent violations)		90 days
29.971(11)	Deer hunting violations	\$1,000-\$2,000; Max. 6 months	1,000	2,000		6 months
29.971(11g)(a)	Elk hunting violations	\$1,000-\$15,000; Max. 6 months	1,000	15,000		6 months
29.971(11m)(a)	Bear hunting violations	\$1,000-\$2,000 (1st offense) or \$10,000 (subsequent offenses); Max. 6 months (1st offense) or 9 months (subsequent offenses)	1,000	2,000 (1st violation); 10,000 (subsequent violations)		6 months (1st violation); 9 months (subsequent violations)
29.971(11p)(a)	Entering the den of a hibernating black bear and harming the bear	Max. \$10,000, 9 months		10,000		9 months
29.974(1)	Determination by a court following a conviction for a violation relating to wild animals and plants that the guilty person has a prior conviction within a period of five years	Max. \$100, 6 months		100		6 months
29.974(2)(b)	Determination by a court following a conviction for a violation relating to wild animals and plants that the guilty person has three prior convictions within a period of three years	Max. \$2,000, 9 months		2,000		9 months
30.12(5)	Unlawful structures and deposits in navigable waters	Max. \$1,000, 6 months		1,000		6 months
30.80(2)	Reckless or negligent operation of a boat endangering life or property	Max. \$200, 6 months		200		6 months

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
30.80(2g)(a)	Failure to render aid in a boat accident (if the accident did not involve death or injury to a person)	\$300-\$1,000; Max. 6 months	\$300	\$1,000		6 months
30.80(2g)(b)	Failure to render aid in a boat accident (if the accident involved injury to a person but the person did not suffer great bodily harm)	Max. \$10,000, 9 months		10,000		9 months
30.80(6)(a)2.	Intoxicated boating (second offense within five years)	\$300-\$1,000; 5 days-6 months	300	1,000	5 days	6 months
30.80(6)(a)3.	Intoxicated boating (third offense within five years)	\$600-\$2,000; 30 days- 1 year	600	2,000	30 days	1 year
30.80(6)(a)4.	Intoxicated boating (fourth offense within five years)	\$600-\$2,000; 60 days-1 year	600	2,000	60 days	1 year
30.80(6)(a)5.	Intoxicated boating (fifth or subsequent offense within five years)	\$600-\$2,000; 6 months-1 year	600	2,000	6 months	1 year
30.80(6)(b)	Intoxicated boating causing an injury	\$300-\$2,000; 30 days-1 year	300	2,000	30 days	1 year
31.34	Violations of water flow and dam regulations	\$50-\$1,000	50	1,000		
32.29	False statements by an employee of a governmental entity with condemnation power to an owner of property concerning the condemnation of such property	\$50-\$1,000; Max. 1 year	50	1,000		1 year
34.11	Violations relating to public deposits	Max. \$500, 6 months		500		6 months
36.11(1)(a)	Violations of rules promulgated by the Board of Regents of the University of Wisconsin System to protect the lives, health, and safety of persons or property under its jurisdiction	Max. \$500, 90 days		500		90 days
36.35(3)	Entering campus property without permission following prior misconduct	Max. \$500, 3 months		500		3 months
38.50(8)(i)	Soliciting of students	Max. \$200, 3 months		200		3 months
38.50(13)(b)	Issuing or manufacturing a false academic credential	A				
42.05(3)	Unlawful auto racing without a properly equipped muffler	Max. \$200, 6 months		200		6 months

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
42.07(2)	Ticket scalping for entry to an event under the auspices of the state fair park	\$10-\$100; Max. 60 days	\$10	\$100		60 days
44.47(7)(a)2.	Tampering with archaeological objects or data belonging to the state or intentionally interfering with related work	\$1,000-\$5,000	1,000	5,000		
45.03(16)(b)	False statements with the intent to secure veterans benefits	Max. \$500, 6 months		500		6 months
45.06(2)	Withholding from a veteran any discharge paper, citation, warrant, medal, badge, or evidence that the veteran is entitled to certain rights	Max. \$100, 6 months		100		6 months
46.10(14)(e)4.	Denial of employment, discharge, or discipline of an employee by an employer based on an assignment of certain social services benefits	Max. \$500		500		
46.90(6)(d)	Requesting or obtaining confidential information relating to the elder abuse reporting system under false pretenses	Max. \$500, 1 year		500		1 year
46.90(9)(d)	Discriminating against any person for reporting in good faith under the elder abuse reporting system	Max. \$10,000, 6 months		10,000		6 months
46.90(9)(e)	Failure to report under the elder abuse reporting system	Max. \$500, 6 months		500		6 months
47.02(7)(c)	Violations relating to vocational rehabilitation	Max. \$500, 6 months		500		6 months
47.03(3)(d)	Advertising, selling, or distributing a product as being blind-made when less than 75% of the labor involved in creating the product was performed by visually impaired persons	Max. \$10,000, 9 months		10,000		9 months
48.025(6)(b)	Intentionally obtaining, using, or disclosing confidential information relating to a declaration of paternal interest in matters affecting children	Max. \$1,000, 90 days		1,000		90 days
48.42(5)	False statements in the course of a proceeding for the termination of parental rights with an intent to prevent a person from receiving notice of such proceeding	Max. \$10,000, 9 months		10,000		9 months

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
48.658(3)(a)	Transporting a child to or from a child care provider in a child care vehicle in which a child safety alarm has not been installed or is not in good working order					
48.60 and 48.76	Violations relating to child welfare agency licensing	Max. \$500, 1 year		\$500		1 year
48.62 and 48.76	Violations relating to foster home licensing	Max. \$500, 1 year		500		1 year
48.625 and 48.76	Violations relating to group home licensing	Max. \$500, 1 year		500		1 year
48.63 and 48.76	Violations relating to child placements in foster homes or group homes	Max. \$500, 1 year		500		1 year
48.65 and 48.76	Violations relating to child care center licensing	Max. \$500, 1 year		500		1 year
48.825(5)	Unlawful adoption advertising	Max. \$10,000, 9 months		10,000		9 months
48.981(6)	Failure to report abused or neglected children or abused unborn children	Max. \$1,000, 6 months		1,000		6 months
48.981(7)(f)	Confidentiality violations of records concerning the reporting of abused or neglected children or abused unborn children	Max. \$1,000, 6 months		1,000		6 months
49.141(7)(b)	False statements, concealment, or failure to disclose information relating to eligibility for a payment under Wisconsin Works	Max. \$10,000, 9 months		10,000		9 months
49.22(4)	Unlawful use or disclosure of information obtained by the state location service assisting in locating parents	\$25-\$500; Max. 1 year	\$25	500		1 year
49.345(14)(e)4.	Denial of employment, discharge, or discipline of an employee by an employer based on an assignment of certain public assistance benefits	Max. \$500		500		
49.45(4m)(e)	Unlawful disclosure or retention of information relating to the financial record matching program by a financial institution	\$50-\$1,000; 10 days-1 year	50	1,000	10 days	1 year
49.45(6m)(g)	Refusal by an intermediate care facility or skilled nursing facility to recover costs reimbursable for persons eligible for certain Medicare benefits or to obtain Medicare certification required by federal law	\$10/day-\$100/day	10/day	100/day		

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
49.49(1)(b)2.	False statements or concealments relating to the acquisition of Medical Assistance benefits or payments	Max. \$10,000, 1 year		\$10,000		1 year
49.688(9)(c)	Violations of Department of Health Services rules relating to prohibitions on Medical Assistance fraud	Max. \$10,000, 1 year		10,000		1 year
49.795(8)(a)1.	First food stamp offense (if the value of the food coupons does not exceed \$100)	Max. \$1,000, 1 year		1,000		1 year
49.795(8)(b)1.	Second food stamp offense (if the value of the food coupons does not exceed \$100)	Max. \$1,000, 1 year		1,000		1 year
49.83	Using or disclosing information concerning applicants to various public assistance programs for purposes not connected with the administration of the programs	\$25-\$500; 10 days-1 year	\$25	500	10 days	1 year
49.853(3)(c)	Disclosure or retention of information unrelated to matching records by a financial institution participating in the financial institution matching option.	\$25-\$500; 10 days-1 year	25	500	10 days	1 year
49.853(4)(d)	Unlawful request of information by a financial institution participating in the state matching option to the Department of Health Services	\$25-\$500; 10 days-1 year	25	500	10 days	1 year
49.95(1)(b)	Making false representations to secure certain public assistance (if the value of the assistance exceeds \$300 but does not exceed \$1,000)	Max. \$250, 6 months		250		6 months
49.95(1)(c)	Making false representations to secure certain public assistance (if the value of the assistance exceeds \$1,000 but does not exceed \$2,000)	Max. \$10,000, 9 months		10,000		9 months
49.95(2)	Willful interference with the proper administration of public assistance	\$10-\$100; 10-60 days	10	100	10 days	60 days
49.95(4m)	Obtaining pecuniary advantage by sending, bringing, or advising another to secure certain public assistance benefits	Max. \$500, 30 days		500		30 days
50.03(1)	Unlicensed operation of a community-based residential facility or nursing home	Max. \$500/day, 6 months		500/day		6 months
50.032(6)	Uncertified operation of an adult family home	Max. \$500, 1 year		500		1 year

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
50.033(6)	Unlicensed operation of an adult family home	Max. \$500, 1 year		\$500		1 year
50.07(2)	Violations relating to uniform licensure	Max. \$1,000, 6 months		1,000		6 months
50.49(8)	Unlicensed operation of a home health agency	Max. \$100 (1st offense), \$200 (2nd offense)		100 (1st violation); 200 (2nd violation)		
50.55(2)	Actions intended to interfere with a Department of Health Services investigation of licensure violations by a rural medical center	Max. \$1,000, 6 months		1,000		6 months
51.30(10)(a)	Intentionally unlawful violations relating to mental health records (if not for pecuniary gain)	Max. \$25,000, 9 months		25,000		9 months
51.61(5)(d)	Intentional retaliation or discrimination against a mental health patient for contacting or providing information to a state protection and advocacy agency	Max. \$1,000, 6 months		1,000		6 months
51.61(7m)	Intentionally depriving a mental health patient of the ability to seek redress for an alleged violation of rights	Max. \$1,000, 6 months		1,000		6 months
54.62(8)	Willful or inexcusable failure by a guardian to file a guardian's account as required by law or ordered by a court	Max. \$250, 10 days		250		10 days
55.043(9m)(d)	Retaliating or discriminating against a person for reporting an adult at risk in good faith	Max. \$10,000, 6 months		10,000		6 months
55.043(9m)(e)	Failure to report an adult at risk	Max. \$500, 6 months		500		6 months
59.39	Violations relating to a coroner or medical examiner performing funeral services upon the body whose death is required to be investigated by such office	Max. \$50		50		
59.66(2)(c)	Violations relating to unclaimed funds in a county's public treasury	\$50-\$200; 30 days-6 months	\$50	200	30 days	6 months
59.74(2)(e)1.	Unlawful tampering with a landmark, monument of survey, corner post of government survey, survey made by the county surveyor, or survey of public record	Max. \$1,000, 1 year		1,000		1 year

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
59.76(2)	Various violations by a register of deeds relating to registration of farms	\$5-\$25; 10-30 days	\$5	\$25	10 days	30 days
62.23(8)	Unlawful structure	Max. \$500		500		
63.17	Various county civil service system violations	\$50-\$1,000; 30 days-1 year	50	1,000	30 days in county jail	1 year
63.20	Violation of a subpoena issued by a board of city service commissioners					
63.52(1)	Various first class city civil service system violations	\$50-\$1,000; Max. 6 months	50	1,000		6 months
66.0413(1)(br)2.	Renting, leasing, or occupying a building which has been condemned for human habitation, occupancy or use	\$5/week-\$50/week; 30 days/week	5/week	50/week		30 days/week
66.0417(5)(a)	Violations relating to local enforcement of certain food and health regulations	Max. \$10,000, 1 year		10,000		1 year
66.0417(5)(b)	Obstructing a local inspector enforcing food and health regulation	Max. \$5,000, 1 year		5,000		1 year
66.0425(9)	Violations relating to an obstruction or excavation beyond a lot line or within a highway	\$25-\$500; 10 days-6 months	25	500	10 days	6 months
66.0615(1m)(f)5.	Failure to register with the Department of Revenue for the room tax					
66.0903(11)(b)1.	Violations by a contractor, subcontractor, or agent relating to the municipal prevailing wage and hour scales	Max. \$200, 6 months		200		6 months
66.1207(1)(a)	False representations to secure or assist in securing financial assistance for subsidized housing accommodations (if the financial assistance is more than \$1,000 but less than \$2,500)	Max. \$10,000, 9 months		10,000		9 months
69.24(2)	Violations relating to the collection of vital statistics or documents	Max. \$1,000, 90 days		1,000		90 days
70.40(2)	Willful failure or refusal by any person on whom an occupational iron ore concentrate tax is imposed to furnish a true list or statement of all iron ore concentrates received or handled	Max. \$1,000		1,000		

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
70.41(2)	Failure or refusal by an operator of a grain elevator or warehouse to furnish a true list or statement of all grain received or handled	Max. \$1,000		\$1,000		
70.42(2)	Failure or refusal by an operator of a coal dock to furnish a true list or statement of all coal received or handled	Max. \$1,000		1,000		
70.421(2)	Failure or refusal by an operator of a refinery to furnish a true list or statement of all crude oil and petroleum products refined	Max. \$1,000		1,000		
70.47(18)(b)	Intentional tampering with a public notice of a local board of review meeting before the expiration of the time for which the notice was posted	Max. \$200, 6 months		200		6 months
71.65(6)	Willfully providing false information to the Department of Revenue by a construction contractor employer to evade income and franchise tax withholding requirements	\$25,000	\$25,000	25,000		
71.66(1)(e)	Willfully supplying an employer with false information regarding a withholding exemption	Max. \$200		200		
71.83(2)(a)1.	Income and franchise tax violations: failure or refusal to make, render, sign, or verify a tax return on time; failure or refusal to make deposits of withheld taxes; false or fraudulent employer statements or deposit reports	Max. \$10,000, 9 months		10,000		9 months
71.83(2)(a)2.	Willfully making or subscribing false documents relating to income and franchise taxes	Max. \$10,000, 9 months		10,000		9 months
71.83(2)(a)3.	Divulging or circulating confidential information derived from income and franchise tax documents	\$100-\$500; 1-6 months	100	500	1 month	6 months
71.83(2)(a)3m.	Unlawful browsing of another's confidential information derived from income and franchise tax documents	\$100-\$500	100	500		
71.83(2)(a)4.	Coercing an employee to prepay taxes	\$25-\$200	25	200		
71.83(2)(a)5.	Supplying an employer with a false income and franchise tax withholding agreement	Max. \$500		500		

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
71.83(2)(a)6.	Failure to file a surety bond with the Department of Revenue by a construction contractor	\$300-\$5,000	\$300	\$5,000		
71.91(8)(e)	Using information provided to a financial institution in the financial record matching program for purposes other than administration of the program	\$25-\$500; 10 days-1 year	25	500	10 days	1 year
75.375	Waste on lands subject to a tax certificate	Max. \$500, 90 days		500		90 days
77.27	Intentionally falsifying value on a return for the real estate transfer fee	Max. \$1,000, 1 year		1,000		1 year
77.52(12)	Operating as a seller without a permit					
77.52(16)	Sales tax evasion using a resale certificate					
77.52(19)	Failure to comply with rules relating to permitting for persons temporarily engaged in selling					
77.53(8)	Sales and use tax violations: failure to collect the tax from a purchaser, give a purchaser a receipt, or display the tax separately from the list price					
77.60(6)	Failure to provide a required tax return or data to the Department of Revenue					
77.60(7)	Sales and use tax evasion through false or fraudulent reporting or failure to furnish a report					
77.60(10)	Assisting another in making any false or fraudulent return or statement relating to the sales and use tax					
77.61(5)(g)	Various violations relating to administration of sales and use taxes	\$100-\$500; 1-6 months	100	500	1 month	6 months
77.61(6)(d)	Inspection of a return or claim for sales and use taxes by an unauthorized person	\$100-\$500; 1-6 months	100	500	1 month	6 months
77.61(9)	Failure to file, submit, prepare, or retain sales and use tax documents required by the Department of Revenue					
77.982(4)	Failure to register with the Department of Revenue for the local food and beverage tax					
77.991(4)	Failure to register with the Department of Revenue for the local rental car tax					

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
77.9951(3)	Failure to register with the Department of Revenue for the state rental vehicle fee					
78.68(6)	Failure to furnish a return or data relating to vehicle or general aviation fuel taxes required by the Department of Revenue	Max. \$500, 30 days		\$500		30 days
78.68(7)	Making a false or fraudulent return or failure to furnish a return when due to evade vehicle or general aviation fuel taxes	Max. \$500, 30 days		500		30 days
78.68(8)	Assisting another in evading vehicle or general aviation fuel taxes	Max. \$500, 30 days		500		30 days
78.73(1)	Various violations relating to unlawful use or display of a license to sell vehicle or general aviation fuel	Max. \$500, 6 months		500		6 months
78.73(2)	Selling vehicle or general aviation fuel without a license	Max. \$5,000, 1 year		5,000		1 year
78.73(3)	Attempting to assign a license to sell vehicle or general aviation fuel or failure to display such license conspicuously at a place of business	Max. \$25, 10 days		25		10 days
78.73(4)	Failure to make a report or payment relating to vehicle or general aviation fuel taxes	Max. \$5,000, 1 year		5,000		1 year
83.027(12)	Driving a vehicle into or from a controlled-access county highway (if not through an opening provided for that purpose)	Max. \$100, 30 days		100		30 days
84.25(12)	Driving a vehicle into or from a controlled-access state highway (if not through an opening provided for that purpose)	Max. \$100, 30 days		100		30 days
86.01	Unlawfully leaving materials in a highway	\$10-\$100	\$10	100		
86.021(2)	Highway damage by cultivation or a machine	\$10-\$50; 10-30 days	10	50	10 days	30 days
86.022	Obstructing a highway with an embankment or a ditch	\$10-\$100	10	100		
86.025	Camping on highways or adjacent lands	Max. \$10, 30 days		10		30 days

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
86.03(6)	Violations relating to trees or shrubs adjacent to a highway	\$25 per damaged tree or shrub		\$25 per damaged tree or shrub		
86.03(7)	Cutting of veterans memorial trees	\$10-\$200; Max. 30 days	\$10	200		30 days
86.06(2)	Unlawfully traveling beyond or tampering with a highway barrier	\$10-\$100; 10-60 days	10	100	10 days	60 days
86.07(1)	Drawing, painting, printing, or pasting upon a culvert, bridge, or guard rail	\$10-\$200; Max. 30 days	10	200		30 days
86.07(2)	Unlawfully disturbing or making an alteration to a highway	\$5-\$100; Max. 6 months	5	100		6 months
86.17(2)	Interference with the free use of water running across highways					
86.19(3)	Unlawfully erecting a sign on a public highway	\$10-\$100 (1st offense), \$10-\$500 (2nd offense)	10	100 (1st violation); 500 (2nd violation)		
86.191(5)	Violations of highway advertisement prohibitions	\$25-\$100; Max. 30 days	25	100		30 days
86.192(2)	Tampering with a sign, guide board, mile post, signal, or marker	\$25 (1st offense), \$100 (subsequent offenses); Max. 30 days (1st offense), 60 days (subsequent offenses)	25 (1st violation); 100 (2nd violation)	25 (1st violation); 100 (subsequent violation)		30 days (1st violation); 60 days (subsequent violation)
87.17	Tampering with flood control improvements or personnel	Max. \$1,000, 1 year		1,000		1 year
87.30(2)	Placing or maintaining a building within a floodplain in violation of a zoning ordinance	Max. \$50		50		
88.82(6)	Tampering with a drain constructed by a drainage district	Max. \$100		100		
88.91(2)	Placing an obstruction in a lawfully constructed drainage ditch	Max. \$100		100		
93.12(6)	Operating a laboratory without a certificate of approval	\$100-\$1,000	100	1,000		

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
93.21(1)	Failure by a manufacturer of dairy products to furnish required information to the person from whom milk is purchased or received	Max. \$200, 6 months		\$200		6 months
93.21(2)(a)	Obstructing an officer performing inspection duties	Max. \$1,000		1,000		
93.21(4)	Various violations for failing to obey orders relating to agriculture, trade, and consumer protection	Max. \$5,000, 1 year		5,000		1 year
93.21(6)(a)	Fraudulent use of official seals of the Department of Agriculture, Trade, and Consumer Protection	Max. \$10,000, 1 year		10,000		1 year
93.23(8)	Violations relating to local fairs	Max. \$200, 6 months		200		6 months
93.35(15)(a)	Unlawful weather modification	Max. \$1,000, 6 months		1,000		6 months
94.46(4)(b)	Various violations relating to seeds	Max. \$500, 6 months		500		6 months
94.64(12)(a)	Willful violations of fertilizer regulations	\$250-\$5,000; Max. 1 year	\$250	5,000		1 year
94.65(11)(b)	Soil and plant additive violations	Max. \$5,000, 1 year		5,000		1 year
94.71(1)(a)2.	Pesticide violations by a commercial applicator, dealer, or distributor	Max. \$5,000, 1 year		5,000		1 year
94.71(1)(a)2.	Pesticide violations by a private applicator	Max. \$1,000, 30 days		1,000		30 days
94.72(14)(a)	Commercial animal feed violations	Max. \$200, 6 months		200		6 months
94.77(1)	Various plant industry violations	Max. \$1,000 (1st offense), \$500-\$5,000 (subsequent offenses); Max. 6 months (subsequent offenses)	500 (subsequent violation)	1,000 (first violation); 5,000 (subsequent violation)		6 months (subsequent violation)
95.21(10)(b)	Refusal by an animal owner to comply with an order or quarantine	\$100-\$1,000; Max. 60 days	100	1,000		60 days
95.68(9)	Conducting animal market business after revocation of a license	\$500-\$1,000; Max. 6 months	500	1,000		6 months
95.69(9)	Conducting animal dealer business after revocation of a license	\$500-\$1,000; Max. 6 months	500	1,000		6 months
95.71(9)	Conducting animal trucking business after revocation of a license	\$500-\$1,000; Max. 6 months	500	1,000		6 months

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
95.99(1)	Various animal health violations	Max. \$1,000 (1st offense), \$500-\$5,000 (subsequent offenses); Max. 6 months (subsequent offenses)	\$500 (subsequent violation)	\$1,000 (first violation); 5,000 (subsequent violation)		6 months (subsequent violation)
96.17(3)	Intentional violation of a Department of Agriculture, Trade, and Consumer Protection marketing order or agreement	Max. \$10,000, 9 months		10,000		9 months
97.12(2)(d)1.	Violations relating to food regulation enforcement	Max. \$10,000		10,000		
97.12(4)	Interfering with or giving false information to a food inspector	Max. \$5,000, 1 year		5,000		1 year
97.18(6)	Violations of oleomargarine regulations	\$100-\$500 (1st offense), \$500-\$1,000 (subsequent offenses); Max. 3 months (1st offense), 6 months-1 year (subsequent offenses)	100 (1st violation); 500 (subsequent violations)	500 (1st violation); 1,000 (subsequent violations)	6 months (subsequent violations)	3 months (1st violation); 1 year (subsequent violations)
97.42(8)	Interfering with inspection of animals, poultry, and carcasses	Max. \$5,000, 1 year		5,000		1 year
97.46(2)	Unlawful refreezing or selling of refrozen fruit containing sulfur dioxide or sulfites as anti-oxidants	\$100-\$500 (1st offense), \$500-\$1,000 (subsequent offenses); Max. 3 months (1st offense), 6 months-1 year (subsequent offenses)	100 (1st violation); 500 (subsequent violations)	500 (1st violation); 1,000 (subsequent violations)	6 months (subsequent violations)	3 months (1st violation); 1 year (subsequent violations)
97.72(1)	Various food regulation violations	\$100-\$1,000 (1st offense), \$500-\$5,000 (subsequent offenses); Max. 6 months (1st offense), 30 days-1 year (subsequent offenses)	100 (1st violation); 500 (subsequent violations)	1,000 (1st violation); 5,000 (subsequent violations)	30 days (subsequent violations)	6 months (1st violation); 1 year (subsequent violations)
98.26(1)	Various violations relating to weights and measures	Max. \$10,000, 9 months		10,000		9 months
99.07(2)	Various violations relating to public warehouses	\$200-\$1,000; Max. 6 months	200	1,000		6 months

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
100.07(5)	Milk payment violations	Max. \$200, 6 months		\$200		6 months
100.15 and 100.26 (3)	Use of trading stamps	\$25-\$5,000; Max. 1 year	\$25	5,000		1 year
100.18 (9) and 100.26(5)	Deceptive advertising	Max. \$10,000, 9 months		10,000		9 months
100.182 and 100.26 (7)	Fraudulent drug advertising	Max. \$10,000, 9 months		10,000		9 months
100.19 and 100.26 (3)	Wasteful distribution methods and practices	\$25-\$5,000; Max. 1 year	25	5,000		1 year
100.195(5m)(e)	Unfair billing for consumer goods or services	\$25-\$5,000; Max. 9 months	25	5,000		9 months
100.20 and 100.26 (3)	Violations relating to methods of competition and trade practices	\$25-\$5,000; Max. 1 year	25	5,000		1 year
100.2095(6)(d)	Violations relating to labeling and materials of bedding	Max. \$10,000, 9 months		10,000		9 months
100.235(11)(b)	Unfair trade practices in procurement of vegetable crops	\$100-\$10,000; Max. 1 year	100	10,000		1 year
100.26(1)	Various marketing or trade practice violations	Max. \$200, 6 months		200		6 months
100.335(4)(b)	Manufacturing or selling a child's container containing bisphenol A or failing to label a child's container as not containing bisphenol A	Max. \$5,000, 1 year		5,000		1 year
100.37(8)	Violations of the hazardous substances act	Max. \$5,000, 1 year		5,000		1 year
100.38(7)	Selling adulterated or misbranded antifreeze	\$50-\$500	50	500		
100.383(5)	Selling antifreeze without a bittering agent	Max. \$1,500, 90 days		1,500		90 days
100.48(4)(a)	Tampering with an hour meter attached to farm equipment	Max. \$5,000, 1 year		5,000		1 year
100.48(4)(c)	Tampering with an hour meter attached to a snowmobile, all-terrain vehicle, utility terrain vehicle, or boat	Max. \$5,000, 1 year		5,000		1 year
101.13(7)	Use of an accessibility symbol in violation of standards	\$50	50	50		

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
101.14(4)(e)	Failure to install required fire detection, prevention, or suppression devices	\$100-\$500	\$100	\$500		
101.149(8)(c)1.	Tampering with an installed carbon monoxide detector	Max. \$10,000, 9 months		10,000		9 months
101.16(5)(am)	Unlawful filling, evacuating, or use of containers for liquefied petroleum gas; various violations relating to a failure to provide the Department of Safety and Professional Services with liquefied petroleum gas information	\$25-\$2,000; 30 days-6 months	25	2,000	30 days	6 months
101.16(5)(cm)	Intentional violation by a retail supplier of liquefied petroleum gas of licensing and financial responsibility requirements	\$500-\$1,000 (1st offense), \$2,000-\$5,000 (subsequent offenses); 30 days-6 months	500 (1st violation); 2,000 (subsequent violations)	1,000 (1st violation); 5,000 (subsequent violations)	30 days	6 months
101.16(5)(cn)	Intentional violation by a retail supplier of liquefied petroleum gas who only fills Department of Transportation cylinders and containers of licensing and financial responsibility requirements	\$200-\$400 (1st offense), \$800-\$2,000 (subsequent offenses); 30 days-6 months	200 (1st violation); 800 (subsequent violations)	400 (1st violation); 2,000 (subsequent violations)	30 days	6 months
101.9209(5)(b)	Intent to defraud during a transfer of interest in a manufactured home	Max. \$1,000, 30 days		1,000		30 days
101.937(5)(b)	Rule violations relating to water and sewer service to manufactured home communities	\$25-\$5,000; Max. 1 year	25	5,000		1 year
101.94(8)(b)	Violations by a corporation that threaten the health or safety of a purchaser of manufactured homes and mobile homes	Max. \$10,000, 9 months		10,000		9 months
101.951(8)	Violations relating to manufactured home dealers	\$25-\$100	25	100		
101.953 and 101.965 (1)	Violations relating to warranty and disclosure for manufactured homes	Max. \$1,000, 6 months		1,000		6 months
101.955 and 101.965 (1)	Violations relating to jurisdiction and venue over out-of-state manufacturers of manufactured homes	Max. \$1,000, 6 months		1,000		6 months
101.988(3)	Violations relating to elevators, escalators, and other conveyances	Max. \$1,500, 30 days		1,500		30 days

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
102.07(8)(d)	Misclassifying an employee by a construction contractor to evade worker's compensation	\$25,000	\$25,000	\$25,000		
102.17(3)	Willfully failing to testify or produce documents as required for a worker's compensation hearing	\$25-\$100; Max. 30 days	25	100		30 days
102.835(18)	Discrimination by an employer against an employee whose earnings have been subject to a levy for delinquent uninsured employer payments	Max. \$10,000, 9 months		10,000		9 months
102.88(1)	Second worker's compensation related offense in five years	Max. \$2,000, 90 days		2,000		90 days
102.88(2)	Third or subsequent worker's compensation related offense in three years	Max. \$10,000, 9 months		10,000		9 months
103.13(8)	Violations by an employer relating to records open to an employee	\$10-\$100	10	100		
103.16	Failure by an employer to provide seats for employees	\$10-\$30	10	30		
103.165(4)	Violations relating to an employee's cash bonds held in a trust	Amount of the bond; 10-60 days	amount of the bond	amount of the bond	10 days	60 days
103.15 (2) or (3) and 103.20	Requiring an HIV test for employment	Max. \$100		100		
103.17 and 103.20	Failure by a manufacturing employer to mutually forfeit	Max. \$100		100		
103.18 and 103.20	Threatening to reduce wages or discharge employees to influence their votes	Max. \$100		100		
103.19 and 103.20	Employing children in certain shows	Max. \$100		100		
103.29(1)	Violations relating to employment of minors in street trades	\$250-\$5,000; Max. 30 days	250	5,000		30 days
103.34(12)(a)	Repeat offenses relating to traveling sales crews	\$250-\$5,000; Max. 30 days	250	5,000		30 days
103.37(4)	Requiring an employee to pay for a medical examination as a condition of employment	Max. \$100		100		
103.43(2)	Fraudulent advertising for labor	Max. \$2,000, 1 year		2,000		1 year

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
103.45	Unlawful payments of wages with time checks	\$10-\$100	\$10	\$100		
103.49(6m)(am)	Violations by a contractor, subcontractor, or agent relating to wage rates on state work	Max. \$200, 6 months		200		6 months
103.50(7)(a)	Violations by a contractor, subcontractor, or agent relating to wage rates and hours of labor for highway contracts	Max. \$200, 6 months		200		6 months
103.545(5)	Recruiting strikebreakers	Max. \$2,000, 1 year		2,000		1 year
103.61	Contempt for violation of a restraining order or injunction issued by a court	Max. \$25, 10 days		25		10 days
103.75(2)	False evidence of age to obtain an age certificate or altering an age certificate	Max. \$100, 3 months		100		3 months
103.82(1)(a)	Repeat offenses of employing a minor for certain jobs	\$250-\$5,000; Max. 30 days	250	5,000		30 days
103.86(1)	Failure by an employer to make required payments to employee welfare funds	Max. \$200		200		
103.87	Disciplining an employee for testifying in a proceeding pertaining to a crime of the children's code or juvenile justice code	Max. \$200		200		
104.10	Employer intimidation of a witness in a minimum wage investigation or proceeding	\$25	25	25		
107.02	Violation of mining statement requirements	Min. \$100; Max. 3 months	100			3 months
107.15(6)(a)	Violations of reporting requirements for mineral exploration	Max. \$50,000		50,000		
107.15(6)(c)	Violations of confidentiality requirements for mineral exploration	\$50-\$50,000; 1-6 months	50	50,000	1 month	6 months
108.16(8)(m)3.	False statements relating to determining the assignment of unemployment insurance contribution rates					

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
108.225(18)	Discriminating terms and conditions of employment against an employee whose earning have been subject to a levy for delinquent unemployment insurance contributions	Max. \$10,000, 9 months		\$10,000		9 months
108.24(1)	False statements to obtain unemployment insurance benefit payments	\$100-\$500; Max. 90 days	\$100	500		90 days
108.24(2)	False statements or other information required by the Department of Workforce Development for unemployment insurance	\$100-\$500; Max. 90 days	100	500		90 days
108.24(2m)	Misclassifying an employee by a construction contractor to evade unemployment insurance payments	\$25,000	25,000	25,000		
108.24(3)(a)	Violations relating to acts against an employee or former employee concerning unemployment insurance	\$100-\$1,000; Max. 90 days	100	1,000		90 days
108.24(4)	Unlawful disclosure or inspection of unemployment insurance documents	\$100-\$500; Max. 1 year	100	500		1 year
109.11(3)	Failure by an employer to pay wages due	Max. \$500, 1 year		500		1 year
111.14	Interfering with the Employment Relations Commission	Max. \$500, 1 year		500		1 year
111.327	Misclassifying an employee by a construction contractor to evade fair employment requirements	\$25,000	25,000	25,000		
111.62	Strikes, work stoppages, slowdowns, and lockouts by employees of a public utility					
111.70(7m)(c)2.	Striking following an injunction against a strike	\$10	10	10		
114.09(2)(a)2.	Intoxicated operation of an aircraft (if the number of prior convictions of causing injury from intoxicated operation of a vehicle plus the total number of other suspensions and revocations equals two)	\$350-\$1,100; 5 days-6 months	350	1,100	5 days	6 months
114.09(2)(a)3.	Intoxicated operation of an aircraft (if the number of prior convictions of causing injury from intoxicated operation of a vehicle plus the total number of other suspensions and revocations equals three)	\$600-\$2,000; 30 days- 1 year	600	2,000	30 days	1 year

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
114.09(2)(a)4.	Intoxicated operation of an aircraft (if the number of prior convictions of causing injury from intoxicated operation of a vehicle plus the total number of other suspensions and revocations equals four)	\$600-\$2,000; 30 days- 1 year	\$600	\$2,000	30 days	1 year
114.09(2)(c)2.	Two or more reckless flying convictions within four years	\$50-\$500; Max. 1 year	50	500		1 year
114.103(3)	Failure by private security personnel to report to a law enforcement authority	Max. \$500, 30 days		500		30 days
114.27	Various violations relating to aeronautics and astronautics	Max. \$500, 90 days		500		90 days
115.31(7)	Failure by a school administrator to report various crimes or acts committed by an employee of an educational agency to the state superintendent of public instruction	Max. \$1,000, 6 months		1,000		6 months
118.03(4)	Unlawful textbook pricing	\$25-\$100	25	100		
118.15(5)(a)1.a.	Compulsory school attendance violation (first offense)	Max. \$500, 30 days		500		30 days
118.15(5)(a)1.b.	Compulsory school attendance violation (second or subsequent offenses)	Max. \$1,000, 90 days		1,000		90 days
118.20(5)	Discrimination against applicants for teaching or administrative positions	\$25-\$50; 5-30 days	25	50	5 days	30 days
120.13(35)(b)1.	Unlawful presence in school buildings that provokes a breach of peace	Max. \$10,000, 90 days		10,000		90 days
125.04(13)	Selling or manufacturing alcoholic beverages without a required license or permit	Max. \$10,000, 9 months		10,000		9 months
125.07(1)(b)2.b.	Facilitating underage drinking (second offense within 30 months)	Max. \$500, 30 days		500		30 days
125.07(1)(b)2.c.	Facilitating underage drinking (third offense within 30 months)	Max. \$1,000, 90 days		1,000		90 days
125.07(1)(b)2.d.	Facilitating underage drinking (fourth or subsequent offense within 30 months)	Max. \$10,000, 9 months		10,000		9 months

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
125.07(2)(b)	Selling alcohol to an intoxicated person	\$100-\$500; Max. 60 days	\$100	\$500		60 days
125.085(3)(a)1.	Falsification of proof of age to show that an underage person has attained the legal drinking age	\$300-\$1,250; 10-30 days	300	1,250	10 days	30 days
125.105(2)(a)	Impersonating an inspector of the Department of Revenue or Department of Justice with the intent to mislead	Max. \$10,000, 9 months		10,000		9 months
125.11(1)	Various violations relating to alcoholic beverages	Max. \$1,000, 90 days		1,000		90 days
125.28(5)(d)1.	Violations relating to fermented malt beverage wholesalers' permits	Max. \$10,000		10,000		
125.315(2)	Evading provisions of law by giving away fermented malt beverages	Max. \$10,000, 9 months		10,000		9 months
125.33(7)(d)	Violations by fermented malt beverage retail licensees relating to retail purchase credit	Max. \$1,000		1,000		
125.33(9)	Campuses purchasing fermented malt beverages from anybody other than a licensed wholesaler	Max. \$10,000, 9 months		10,000		9 months
125.54(7)(c)1.	Violations of wholesaler requirements	Max. \$10,000		10,000		
125.545(7)(a)	Distributing wine directly to a retailer rather than a wholesaler by a winery	Max. \$10,000		10,000		
125.545(7)(b)	Preferential treatment to a Wisconsin winery or discrimination against an out-of-state winery by a cooperative wholesaler	Max. \$10,000		10,000		
125.65(9)	Violations relating to permits for wholesale sales for future delivery to solicit orders of intoxicating liquor	\$100-\$500; 30 days-6 months	100	500	30 days	6 months
125.66(1)	Selling intoxicating liquor without a required license or permit	Max. \$10,000, 9 months		10,000		9 months
125.66(4)	Selling of intoxicating liquor by a Class A liquor licensee to a Class B liquor licensee for resale	Max. \$100		100		
125.67	Evading provisions of law by giving away intoxicating liquor	Max. \$10,000, 9 months		10,000		9 months
125.68(8)(a)	Selling diluted intoxicating liquor as undiluted intoxicating liquor	\$150-\$500; 60 days-6 months	150	500	60 days	6 months

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
125.68(9)(g)	Intoxicating liquor violations relating to labels, contents, and packaging	\$500-\$1,000; 3 months-1 year	\$500	\$1,000	3 months	1 year
125.69(4)(d)	Violations by intoxicating liquor retail licensees relating to retail purchase credit	Max. \$1,000		1,000		
125.69(6)(b)	Campuses purchasing intoxicating liquor from anybody other than a licensed wholesaler (if the total volume of liquor in one month is more than 12 liters)	\$1,000-\$10,000	1,000	10,000		
125.69(6)(c)	Purchasing of intoxicating liquor by a Class B liquor licensee from a Class A liquor licensee for resale	Max. \$100		100		
126.87(2)(b)	Various violations relating to agricultural producer security	Max. \$10,000, 1 year		10,000		1 year
132.01 and 132.03	Violations relating to labeling marks	Max. \$10,000, 6 months		10,000		6 months
132.02 and 132.03	Violations relating to duplication or reproduction of labeling marks	Max. \$10,000, 6 months		10,000		6 months
132.032	Fraudulent labeling mark filing	Max. \$10,000, 6 months		10,000		6 months
132.07	Willfully and unlawfully converting a labeling mark to one's own use	Max. \$10,000, 6 months		10,000		6 months
132.13(3)	Possession of unlabeled convict-made products for the purpose of sale	\$100-\$500; Max. 90 days	100	500		90 days
132.16(7)	Unlawful use of registered organizations' insignia or names	Max. \$100, 60 days		100		60 days
132.17	Unauthorized wearing of certain badges	Max. \$20, 30 days		20		30 days
132.18(5)	Unlawful use of gaseous compounds in containers	Max. \$1,000, 1 year		1,000		1 year
132.19	Use of a labeling mark without authority	Max. \$100, 3 months		100		3 months
133.04(2)	Price discrimination with the intent to destroy competition	Max. \$25,000, 1 year		25,000		1 year
133.05(3)	Unfair trade practices through secret rebates	Max. \$25,000, 1 year		25,000		1 year
134.01	Willfully or maliciously causing injury to the reputation or trade of a business	Max. \$500, 1 year		500		1 year
134.02(1)	Blacklisting and coercion of employees	\$100-\$500	100	500		

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
134.03	Preventing pursuit of work	Max. \$100, 6 months		\$100		6 months
134.04(2)	Sale of certain merchandise by employers to employees	\$100-\$1,000 (1st offense), \$500-\$1,000 (subsequent offenses)	\$100 for first violation; 500 for subsequent violations	500 for first violation; 1,000 for subsequent violations		
134.05(4)	Bribery of an agent or employee with intent to influence business action	Max. \$10,000, 9 months		10,000		9 months
134.06	Bonus to chauffeurs for purchases	Max. \$25		25		
134.10(1)	Invading a right to choose an insurance agent or insurer by persons engaged in financing	\$50-\$200; Max. 6 months	50	200		6 months
134.11(1)	Invading a right to choose an insurance agent or insurer by persons engaged in selling property	\$50-\$200; Max. 6 months	50	200		6 months
134.15(1)	Issuing and using counterfeit money	Max. \$100, 6 months		100		6 months
134.17(1)	Unlawful use of a corporate name with the intent to obtain credit	Max. \$1,000, 1 year		1,000		1 year
134.19	Fraud on exemption laws	\$10-\$50	10	50		
134.21	Unauthorized presentation of dramatic plays	\$5-\$100; Max. 60 days	5	100		60 days
134.25(1)(a)	Misbranding of gold articles	\$25-\$500; Max. 3 months	25	500		3 months
134.26(1)	Misbranding of sterling silver articles	\$25-\$500; Max. 3 months	25	500		3 months
134.27(1)	Misbranding of coin silver articles	\$25-\$500; Max. 3 months	25	500		3 months
134.28	Misbranding of base silver articles	\$25-\$500; Max. 3 months	25	500		3 months
134.30	Misbranding of gold-plated articles	\$25-\$500; Max. 3 months	25	500		3 months
134.31	Misbranding of silver-plated articles	\$25-\$500; Max. 3 months	25	500		3 months
134.33(8)	Unlawful platinum stamping	Max. \$1,000, 6 months		1,000		6 months

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
134.35(2)	Violation of endorsed time of filing on telegrams					
134.36	Unlawfully divulging a telegraph message or giving preference in the transmission of such messages	Max. \$500, 1 year		\$500		1 year
134.37	Unlawfully divulging a telegraph message or forging the name of the intended receiver	Max. \$500, 1 year		500		1 year
134.39	Fraudulent knowledge of a telegraph dispatch or injury or interference with wires	Max. \$1,000, 1 year		1,000		1 year
134.405(5)(a)1.	Violations relating to the purchase and sale of certain scrap material (first offense)	Max. \$1,000, 90 days		1,000		90 days
134.405(5)(a)2.	Violations relating to the purchase and sale of certain scrap material (second offense)	Max. \$10,000, 9 months		10,000		9 months
134.41(1)	Poles and wires on private property without the owner's consent	Max. \$25		25		
134.45(3)(a)	Entering into a contract to restrict days for exhibiting motion picture films	\$25-\$300 (1st offense), \$300-\$500 (subsequent offenses)	\$25 (1st violation); 300 (subsequent violations)	300 (1st violation); 500 (subsequent violations)		
134.50(3)	Violations relating to poultry dealing	\$10-\$100 (1st offense), \$25-\$500 (subsequent offenses)	10 (1st violation); 25 (subsequent violations)	100 (1st violation); 500 (subsequent violations)		
134.50(4)	Giving a false name or address to a poultry dealer by any person selling poultry	30 days-1 year			30 days	1 year
134.52(4)	Unlawful shipment of chickens	\$10-\$50; 10-30 days	10	50	10 days	30 days
134.53(4)	Transporting cattle without documents containing required information	Max. \$500, 3 months		500		3 months
134.57	Failure by an employer or its employed detective to submit facts of a case relating to settlement with an employee	\$100-\$500; 3 months-1 year	100	500	3 months	1 year
134.60	Unlawful cutting or transportation of evergreen trees	\$10-\$500	10	500		

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
134.65(5)	Violations relating to cigarette and tobacco products retailer licenses	\$25-\$100 (1st offense), \$25-\$300 (subsequent offenses)	\$25	\$100 (1st violation); 300 (subsequent violations)		
134.69	Peddling finger alphabet cards	\$25-\$100; Max. 90 days	25	100		90 days
134.715(3)	Selling certain merchandise without proof of ownership at a flea market	Max. \$500, 30 days		500		30 days
134.97(4)(b)	Possession of a record that was disposed of by a financial institution, medical business, or tax preparation business	Max. \$1,000, 90 days		1,000		90 days
137.01(1)(k)	Violations relating to actions of a notary public (first offense)	Max. \$10,000, 9 months		10,000		9 months
138.05 and 138.06(2)	Violations relating to the maximum lending rate, prepayment, and disclosure	\$25-\$500; Max. 6 months	25	500		6 months
138.051 and 138.06(2)	Violations relating to residential mortgage loans	\$25-\$500; Max. 6 months	25	500		6 months
138.052 and 138.06(2)	Violations relating to residential mortgage loans	\$25-\$500; Max. 6 months	25	500		6 months
138.09(10)	Violations relating to licensed lenders	Max. \$500, 6 months		500		6 months
138.10(14)	Receiving interest or charges greater than permitted by a pawnbroker	Max. \$500, 1 year		500		1 year
138.12(3)(a)	Engaging in the business of financing insurance premiums without a license	Max. \$200		200		
138.14(15)(a)	Violations relating to payday loans	Max. \$500, 6 months		500		6 months
138.20(2)	Discrimination in granting credit or loans	Max. \$1,000		1,000		
139.03(5)(c)	Entering the state in unlawful possession of intoxicating liquor or wine	\$25-\$500 (1st offense), \$100-\$500 (subsequent offenses); Max. 90 days (1st offense), 6 months (subsequent offenses)	25 (1st violation); 100 (subsequent violations)	500		90 days (1st violation); 6 months (subsequent violations)

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
139.05(7)(d)	Shipping into the state or knowingly receiving fermented malt beverages from a brewer without a valid license					
139.05(7)(f)	Shipping into the state, receiving, or selling within the state fermented malt beverages produced in a state with laws discriminating against any production ingredient					
139.25(6)	Failure to furnish data or returns relating to beverage taxes to the Department of Revenue	Max. \$500, 30 days		\$500		30 days
139.25(7)	Evading beverage taxes through fraudulent reporting	Max. \$500, 30 days		500		30 days
139.25(8)	Assisting another in evading beverage taxes through fraudulent reporting	Max. \$500, 30 days		500		30 days
139.25(10)	Various violations relating to beverage taxes	\$50-\$500; 10-90 days	\$50	500	10 days	90 days
139.44(2)	Assisting another in evading cigarette taxes through fraudulent reporting	Max. \$10,000, 9 months		10,000		9 months
139.44(3)	Failure to keep required records relating to cigarette and tobacco taxes	\$100-\$500; Max. 6 months	100	500		6 months
139.44(4)	Refusal by a cigarette or tobacco retailer to permit a state inspector to examine records	Max. \$500, 90 days		500		90 days
139.44(5)	Various violations relating to cigarette and tobacco taxes	\$100-\$1,000; 10-90 days	100	1,000	10 days	90 days
139.44(6)	Various violations of Department of Revenue rules relating to cigarette and tobacco taxes	\$100-\$500; Max. 6 months	100	500		6 months
139.44(8)(a)	Unlawful possession of cigarettes (if the number of cigarettes does not exceed 6,000)	Max. \$200, 6 months		200		6 months
139.44(8)(b)	Unlawful possession of cigarettes (if the number of cigarettes exceeds 6,000 but does not exceed 36,000)	Max. \$1,000, 1 year		1,000		1 year
139.85(1)	Violations relating to tobacco tax records or returns	Max. \$10,000, 9 months		10,000		9 months
139.95(4)	Confidentiality violation by the Department of Revenue in administering the tax on controlled substances	Max. \$1,000, 60 days		1,000		60 days

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
145.12(1)	Acting as a plumber or automatic fire sprinkler contractor without a license	\$100-\$500; 30 days	\$100	\$500	30 days	30 days
145.12(2)	Various violations relating to plumbing, fire protection, or swimming pools	Max. \$500, 3 months		500		3 months
145.12(3)	Falsely representing an apprentice to be a journeyman by a master plumber	Max. \$25, 30 days		25		30 days
145.26(6)	Violations relating to public swimming pool plan reviews	\$100-\$5,000	100	5,000		
146.085(2)	Charging an admission fee to use a toilet	\$10-\$50	10	50		
146.60(9)(ag)	Failure to provide notice of a release of genetically engineered organisms into the environment (first offense)	\$100-\$20,000; Max. 1 year	100	25,000		1 year
146.60(9)(am)	Failure to provide notice of a release of genetically engineered organisms into the environment (second and subsequent offenses)	Max. \$50,000, 90 months		50,000		9 months
146.60(9)(b)	Confidentiality violation relating to records for notices of a release of genetically engineered organisms into the environment	\$50-\$50,000; 1-6 months	50	50,000	1 month	6 months
146.84(2)(a)	Violations relating to patient health care records	Max. \$25,000, 9 months		25,000		9 months
153.45(5) and 153.78(1)	Unlawful release of certain health care information by the Department of Health Services	Max. \$15,000, 1 year		15,000		1 year
153.50 and 153.78(1)	Patient confidentiality violations relating to health care information	Max. \$15,000, 1 year		15,000		1 year
153.75(1)(a) and 153.78(1)	Violations of Department of Health Services rules relating to certain health care information	Max. \$15,000, 1 year		15,000		1 year
154.15(1)	Intentionally tampering with a declaration to physicians without the consent of the declarant	Max. \$500, 30 days		500		30 days
154.29(1)	Willfully tampering with the do-not-resuscitate bracelet of another person without that person's consent	Max. \$500, 30 days		500		30 days
154.29(3)	Intimidating another into signing a do-not-resuscitate order	Max. \$500, 30 days		500		30 days

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
154.30(10)	Intentionally tampering with an authorization for final disposition of another without the declarant's consent	Max. \$500, 30 days		\$500		30 days
155.80(1)	Intimidating another into executing a power of attorney for health care instrument	Max. \$500, 30 days		500		30 days
155.80(2)	Intentionally tampering with a power of attorney for health care instrument	Max. \$500, 30 days		500		30 days
155.80(3)	Falsifying a power of attorney for health care instrument	Max. \$1,000, 9 months		1,000		9 months
155.80(4)	Intentionally withholding knowledge of the revocation of a power of attorney for health care or of the falsification of a power of attorney for health care instrument	Max. \$1,000, 9 months		1,000		9 months
155.80(5)	Attempting to act as a health care agent based on a false power of attorney for health care	Max. \$1,000, 9 months		1,000		9 months
157.60	Making a public easement in a cemetery	Max. \$300, 1 year		300		1 year
157.64(2)	Various violations relating to the disposition of human remains	Max. \$1,000, 90 days		1,000		90 days
157.70(10)(e)	Disturbing a burial site for commercial gain not related to use of the land where a burial site is located	Max. 2x value gained or lost		2 times the gross value gained or lossed		
165.55(13)	Neglect by an officer to comply with certain arson investigation requirements	\$25-\$200	\$25	200		
165.765(1)	Failure to comply with a requirement to submit a biological specimen	Max. \$10,000, 9 months		10,000		9 months
165.77(5)	Intentionally disseminating a biological specimen in an unauthorized manner	Max. \$500, 30 days		500		30 days
167.07(5)	Violations relating to the manufacture, storage, or distribution of matches	\$5-\$25 (1st offense), \$25 (subsequent offenses)	5 (1st violation); 25 (subsequent violations)	25		

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
167.10(9)(a)	Violation of a court order enjoining the sale, use, storage, or handling of fireworks	Max. \$10,000, 9 months		\$10,000		9 months
167.151	Unlawful operation of corn shredders	\$25-\$100	\$25	100		
167.18	Failure to cover or secure threshing machine joints	\$2-\$50	2	50		
167.20(2)	Failure to provide stairway guards	\$25-\$100; 30 days-6 months	25	100	30 days	6 months
167.25(1)	Discarding or abandoning a refrigerator without its door removed	Max. \$50, 30 days		50		30 days
167.26(6)	Leaving unguarded ice holes	Max. \$100, 6 months		100		6 months
167.27(7)	Violations relating to capping and filling wells or similar structures	\$10-\$200; Max. 6 months	10	200		6 months
167.30(1)	Use of firearms near a public park, square, or enclosure	\$1-\$25; Max. 60 days	1	25		60 days
167.31(3)(c)	Unlawful transport of a firearm, bow, or crossbow on an aircraft	Max. \$1,000, 90 days		1,000		90 days
168.12(6)(f)	Signing or verifying a fraudulent claim for aviation fuel allowance	Max. \$500, 30 days		500		30 days
168.12(6)(g)	Assisting another in making a fraudulent claim for aviation fuel allowance	Max. \$500, 30 days		500		30 days
169.45(2)(b)	Unlawfully selling or purchasing a live wild animal	\$100-\$2,000; Max. 6 months	100	2,000		6 months
169.45(2)(d)	Unlawfully taking bear or deer from the wild	\$1,000-\$2,000; Max. 6 months	1,000	2,000		6 months
169.45(2)(e)	Unlawfully taking a harmful wild animal from the wild	\$500-\$5,000; Max. 6 months	500	5,000		6 months
169.45(2)(g)	Obtaining a license relating to captive wildlife during a period of revocation	Max. \$200, 90 days		200		90 days
169.45(5)(a)	Repeat violations relating to captive wildlife within a period of five years	Max. \$100, 6 months		100		6 months
169.45(8)(a)2.	Engaging in activity authorized by a captive wildlife license during a period of revocation or suspension	\$500-\$1,000	500	1,000		

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
172.015	Permitting livestock on highways	Max. \$200		\$200		
173.41(15)(a)	Operating an animal shelter or dog dealer without a license	Max. \$10,000, 9 months		10,000		9 months
174.15	Violations relating to dogs	Max. \$500, 60 days		500		60 days
175.05(2)(b)	Willfully entering upon certain posted premises without permission	Max. \$50, 30 days		50		30 days
175.05(5)	Going upon closed or restricted highways	Max. \$50, 10 days		50		10 days
175.09(3)	Failure to use standard time in a place of business	\$25-\$500; 10-30 days	\$25	500	10 days	30 days
175.10(2)	Sale of certain merchandise to employees by state agencies or any political subdivision thereof	\$100-\$500; 30-90 days	100	500	30 days	90 days
175.15(2)	Attending an endurance contest lasting more than 16 hours in any 24 hour period over a period of more than six days in one month	\$5-\$25; Max. 10 days	5	25		10 days
175.15(3)	Operating an endurance contest lasting more than 16 hours in any 24 hour period over a period of more than six days in one month	\$100-\$500; 10 days-1 year	100	500	10 days	1 year
175.20(3)	Operating an amusement place without a required license	Max. \$10,000, 9 months		10,000		9 months
175.25(5)	Violations relating to the storage of junk automobiles	\$10-\$50; Max. 30 days	10	50		30 days
175.35(3)	Intentional violations relating to waiting periods for the purchase of handguns	\$500-\$10,000; Max. 9 months	500	10,000		9 months
175.37(2)	Failure to provide to the buyer of a firearm a written warning before transferring the firearm	Max. \$500, 30 days		500		30 days
175.60(17)(ag)	Violations relating to the maintenance, use and publication of records relating to licenses to carry a concealed weapon	Max. \$500, 30 days		500		30 days
175.60(17)(ar)	Use of excessive force by a law enforcement officer based solely on an individual's status as a licensee to carry a concealed weapon	Max. \$500, 30 days		500		30 days
175.60(17)(b)	Carrying a concealed weapon in certain places	Max. \$500, 30 days		500		30 days

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
175.60(17)(e)	Failure to relinquish or deliver a revoked or suspended license to carry a concealed weapon	Max. \$500, 30 days		\$500		30 days
177.34(4)	Willfully refusing, after written demand by an administrator, to pay or deliver property	\$100-\$5,000; Max. 9 months	\$100	5,000		9 months
182.0175(3)(b)	Damage to transmission facilities	Max. \$500, 30 days		500		30 days
185.94(2)	Improper use of the term "cooperative"	Max. \$100		100		
186.03(4)	Improper use of the term "credit union"	Max. \$5,000		5,000		
191.13(6)	Falsely representing a temporary railroad to be something other than a temporary railroad	Max. \$500, 6 months		500		6 months
192.292	Trains obstructing highways	Max. \$500, 15 days		500		15 days
192.327(8)	Violation by a railroad company to comply with an order from the Office of the Commissioner of Railroads relating to transport of railroad workers by motor vehicle	Max. \$500		500		
193.105(2)	Misuse of the term "cooperative"	Max. \$250		250		
193.311(6)(c)	Agricultural product and commodity marketing contract interference	Max. \$1,000, 6 months		1,000		6 months
195.286(6)	Interference with advance warning signs for railroad highway crossings	Max. \$25		25		
196.171(3)	Obstructing an officer performing inspections duties for meters, pipes, fittings, wires, and works	Max. \$25		25		
196.525(3)	Unlawful loans to officers or directors of a public utility and loans to and investments in securities of holding companies	Max. \$10,000		10,000		
196.60(1)(b)	Discrimination in services or charges by an officer of a public utility	\$50-\$5,000	50	5,000		
196.604	Unlawful rebates, concessions, and discriminations from a public utility service	\$50-\$5,000	50	5,000		
196.65(1)	Violations by an officer or agent of a public utility relating to information and records	\$100-\$5,000	100	5,000		

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
196.65(3)(b)	Violations by telecommunications workers relating to information and records	\$100-\$25,000	\$100	\$25,000		
196.65(3)(c)	Violations relating to information and records under the direction of a telecommunications provider	\$500-\$25,000	500	25,000		
196.67(3)	Failure by a public utility to place warning signs near certain overhead electrical supply lines	\$50-\$5,000	50	5,000		
196.69(1)	Interference with Public Service Commission equipment	Max. \$5,000, 30 days		5,000		30 days
199.105(3)	Interfering with the utility service of another who contributes to the Citizens Utility Board	Max. \$1,000		1,000		
199.14(3)	Corrupt practices and conflicts of interest with the Citizen Utility Board	Max. \$1,000, 6 months		1,000		6 months
200.35(6)(b)	Failure to comply with a requirement by the Metropolitan Sewerage District Commission to remove obstructions	\$100	100	100		
213.15	Offering for sale nonstandard hose couplings, fittings, or apparatus fittings for fire hoses	\$100-\$500	100	500		
215.11(7)	Failure to furnish a surety bond	\$10	10	10		
215.21(23)	False statement in a loan application	Max. \$1,000, 6 months		1,000		6 months
215.26(6)	Acting on behalf of any unauthorized savings and loan association	\$100-\$500	100	500		
216.03	Business with or for an unauthorized investment association	\$100-\$1,000; 3 months-1 year	100	1,000	3 months in county jail	1 year
217.16	Various violations relating to a seller of checks	Max. \$500, 6 months		500		6 months
218.0147(3)	Unlawful sale of a motor vehicle to a minor	Max. \$200, 6 months		200		6 months
218.02(10)	Violations relating to adjustment service companies	Max. \$500, 90 days		500		90 days
218.04(12)	Violations relating to collection agencies	Max. \$1,000, 6 months		1,000		6 months
218.05(15)	Violations relating to community currency exchanges	Max. \$2,000, 9 months		2,000		9 months
218.11(5m)	Violations relating to recreational vehicle dealers	\$25-\$100	25	100		

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
218.205(1)	Conducting the business of a motor vehicle salvage dealer without a license	\$500-\$5,000; Max. 60 days	\$500	\$5,000		60 days
218.23(3)	Violations relating to the sale of a vehicle to motor vehicle salvage dealers and maintenance of records	\$25-\$200; Max. 60 days	25	200		60 days
218.24(4)	Failure to lawfully display a salvage dealer license number on trucks and truck-tractors	\$25-\$200; Max. 60 days	25	200		60 days
218.305	Auctioning motor vehicles at wholesale without a license	\$25-\$200; Max. 60 days	25	200		60 days
218.33(3)	Violations relating to conducting the business of a motor vehicle auction dealer	\$25-\$200; Max. 60 days	25	200		60 days
218.43	Violations relating to moped dealers	\$25-\$100	25	100		
218.53	Violations relating to motor vehicle salvage pools and buyer identification	\$1,000-\$10,000; Max. 90 days	1,000	10,000		90 days
220.06(3)(b)	Redisclosure of information in examination reports possessed by a bank	\$100-\$1,000; Max. 6 months	100	1,000		6 months
221.0525	Failure to comply with certification requirements for the transfer of shares of stock	Max. \$100		100		
221.0610(5)(c)	False entries in the minute book for meetings of the board of directors of a bank	\$100-\$500; 30 days-6 months	100	500	30 days	6 months
223.08	Unlawful use of the word "trust"	\$300-\$1,000; 60 days-1 year	300	1,000	60 days	1 year
224.03	Unlawful banking without a charter	\$300-\$1,000; 60 days-1 year	300	1,000	60 days	1 year
224.06(7)	Violations relating to fidelity bonds for bank officers and employees	\$100	100	100		
224.07	Violation of requirements to clear checks at par					
224.80(1)	Various violations relating to mortgage bankers, loan originators, and mortgage brokers	Max. \$25,000, 9 months		25,000		9 months
230.43	Obstruction or falsifications of civil service examinations	\$50-\$1,000; Max. 1 year	50	1,000		1 year

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
231.02(6)(a)	Conflicts of interest for members of the Wisconsin Health and Educational Facilities Authority	\$50-\$1,000; Max. 30 days	\$50	\$1,000		30 days
236.31(1)	Transfer of lots without a recorded plat	Max. \$500, 6 months		500		6 months
236.32	Disturbing or not placing monuments	Max. \$250, 1 year		250		1 year
236.33	Unlawfully dividing land into small parcels in cities of the first class	\$100-\$500; Max. 6 months	100	500		6 months
236.35(2)	Sale of lands abutting on a private way outside the corporate limits of a municipality	Max. \$200, 30 days		200		30 days
241.025	Contracts for employment					
250.04(7)	Violations of Department of Health Services rules governing the duties of local health officers	\$10-\$100	10	100		
250.045(5)(a)	Violations relating to pharmaceutical drugs and order authority of the Department of Health Services	Max. \$10,000, 1 year		10,000		1 year
250.045(5)(b)	Obstructing a Department of Health Services employee in performing duties relating to pharmaceutical drugs	Max. \$5,000, 1 year		5,000		1 year
252.06(4)(b)2.	Unauthorized entrance into isolation or quarantine premises	Max. \$10,000, 9 months		10,000		9 months
252.15(9)	Unlawful disclosure of the results of an HIV test causing bodily or psychological harm	Max. \$50,000, 90 months		50,000		9 months
252.25	Various violations relating to communicable diseases	Max. \$500, 30 days		500		30 days
254.30(2)(b)	Various violations relating to toxic substances and environmental health	\$100-\$5,000	100	5,000		
254.47(3)	Violations relating to recreational sanitation permits and fees	\$25-\$250	25	250		
254.59(2)	Maintaining certain human health hazards	Max. \$300, 90 days		300		90 days
254.59(4)	Refusal to allow a local health officer to enter into and examine a place to ascertain health conditions	\$10-\$100	10	100		
254.59(5)	Maintaining certain human health hazards	Max. \$300, 90 days		300		90 days

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
254.76(1)	Causing fires by tobacco smoking	\$50-\$250; 10 days-6 months	\$50	\$250	10 days	6 months
254.83(1)	Failure to post hotel rates or changing rates	\$50-\$100		50	\$100	
254.83(2)(d)	Failure to post a notice of special hotel rates	\$50-\$100	50	100		
254.84(6)	Violations relating to motel rates	Max. \$300, 6 months		300		6 months
254.85(5)(a)	Violations relating to enforcement of food and lodging protections	Max. \$10,000, 1 year		10,000		1 year
254.85(5)(b)	Obstructing a state officer in the performance of duties relating to food and lodging protections	Max. \$5,000, 1 year		5,000		1 year
254.88	Various violations relating to food and lodging protections	\$100-\$1,000	100	1,000		
254.92(2m)(b)	Purchasing tobacco products for a minor (second offense within 30 months)	Max. \$500, 30 days		500		30 days
254.92(2m)(c)	Purchasing tobacco products for a minor (third offense within 30 months)	Max. \$1,000, 90 days		1,000		90 days
254.92(2m)(d)	Purchasing tobacco products for a minor (fourth or subsequent offenses within 30 months)	Max. \$10,000, 9 months		10,000		9 months
255.04(10)(a)	Unlawful use of information from cancer reporting	Max. \$15,000, 1 year		15,000		1 year
256.30(7)	Refusal or delay of emergency service	Max. \$1,000		1,000		
256.35(10)(a)	Unlawfully dialing "911"	\$100-\$600; Max. 90 days	100	600		90 days
256.35(10)(b)	Unlawful use of information from emergency medical services	Max. \$10,000		10,000		
280.97	Various violations relating to pure drinking water	\$10-\$100; Max. 30 days	10	100		30 days
283.91(3)	Various violations relating to pollution discharge	\$10-\$25,000 (1st offense), \$10-\$50,000 (subsequent offenses); Max. 6 months (1st offense), 1 year (subsequent offenses)	10	25,000 (1st violation); 50,000 (subsequent violations)		6 months (1st violation); 1 year (subsequent violations)

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
283.91(4)	False statements in pollution discharge elimination documents	\$10-\$10,000; Max. 6 months	\$10	\$10,000		6 months
285.87(2)(a)	Various violations relating to air pollution	Max. \$25,000, 6 months		25,000		6 months
291.97(2)(a)	False statements or tampering with hazardous waste management documents	\$100-\$20,000; Max. 1 year	100	25,000		1 year
293.87(2)	False statements in a metallic mining application	\$1,000-\$5,000	1,000	5,000		
295.37(1)	False statements in an application relating to oil and gas	\$1,000-\$5,000	1,000	5,000		
299.53(4)(c)2.	False statements in a use oil fuel notification	Max. \$25,000, 1 year		25,000		1 year
299.62(3)(b)	Second violation relating to unlawful transport of oil or hazardous material in bulk on certain waterways	\$10,000-\$25,000; Max. 6 months	10,000	25,000		6 months
299.83(10)	False statements relating to the Green Tier Program	\$10-\$10,000; Max. 6 months	10	10,000		6 months
299.85(10)	False statements relating to the Environmental Compliance Audit Program	\$10-\$10,000; Max. 6 months	10	10,000		6 months
301.12(14)(e)4.	Using an assignment of child support to discriminate against an employee	Max. \$500		500		
301.45(6)(a)2.	Failure to provide information for sex offender registration	Max. \$10,000, 9 months		10,000		9 months
301.45(6)(ag)2.	Unlawful establishment or change of residence by a sex offender	Max. \$10,000, 9 months		10,000		9 months
301.45(6)(am)	Failure to keep confidential information relating to sex offender registration	Max. \$500, 30 days		500		30 days
301.47(3)(b)	Sex offender name changes	Max. \$10,000, 9 months		10,000		9 months
302.07	Failure to obey commands to maintain order in a prison	Max. \$500, 1 year		500		1 year
302.375(1m)	Selling or giving a prisoner liquor or dangerous drugs	Max. \$10,000, 9 months		10,000		9 months
302.375(2)	Use of intoxicating liquor by a prisoner	Max. \$10,000, 9 months		10,000		9 months

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
302.375(3)(a)	Allowing prisoners of different sexes to participate together in treatment or activities	Max. \$500, 6 months		\$500		6 months
321.62(5)(d)	Making or using a false affidavit relating to service members civil relief	Max. \$10,000, 9 months		10,000		9 months
321.62(11)(c)	Taking part in the eviction of family of a service member during a period of state active duty	Max. \$10,000, 9 months		10,000		9 months
321.62(12)(c)2.	Causing a foreclosure, sale, or seizure of property for any breach of terms occurring within 90 days after a service member's period of active duty	Max. \$10,000, 9 months		10,000		9 months
321.62(14)(e)	Seizing or retaining personal property belonging to a service member who lawfully terminates a lease	Max. \$10,000, 9 months		10,000		9 months
321.62(15)(c)	Enforcing a lien for storage of household goods or furniture of a service member during a period of state active duty	Max. \$10,000, 9 months		10,000		9 months
322.048	Contempt before a military judge	\$100	\$100	100		
323.60(11)(d)	Releasing certain trade secrets relating to hazardous substances entitled to protection	\$100-\$20,000; Max. 1 year	100	20,000		1 year
341.45(6)(a)	False information in a form relating to the regulation of importation in vehicle tanks	Max. \$500, 6 months		500		6 months
341.45(6)(b)	Failure or refusal to make a report or payment relating to the regulation of importation in vehicle tanks	Max. \$5,000, 1 year		5,000		1 year
341.60	Fraudulent application for a vehicle registration or license	Max. \$200, 6 months		200		6 months
342.15(5m)(b)	Fraud relating to a transfer of interest in a vehicle	Max. \$5,000		5,000		
342.15(6)(b)	Failure to apply for a new certificate of title immediately upon transfer of a vehicle with intent to defraud	Max. \$1,000, 30 days		1,000		30 days
342.16(4)(b)	Transferring a motor vehicle without disclosing certain information with intent to defraud	Max. \$5,000		5,000		
343.05(5)(am)1.	Unlawful motor vehicle operation or licensing (first offense)	\$200-\$600; Max. 6 months	200	600		6 months

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
343.05(5)(am)2.	Unlawful motor vehicle operation or licensing (second offense within three years)	\$300-\$1,000; 5 days-6 months	\$300	\$1,000	5 days	6 months
343.05(5)(am)3.	Unlawful motor vehicle operation or licensing (third or subsequent offenses within three years)	\$1,000-\$2,000; 10 days-6 months	1,000	2,000	10 days	6 months
343.05(5)(b)1.	Operating a non-commercial motor vehicle without a required license	Max. \$300 (2nd offense), \$500 (subsequent offenses); Max. 30 days (2nd offense), 6 months (subsequent offenses)		300 (2nd violation); 500 (subsequent violations)		30 days (2nd violation); 6 months (subsequent violations)
343.12(9)(a)	Operating a school bus without authorization (first offense)	\$200-\$600; Max. 6 months	200	600		6 months
343.12(9)(b)	Operating a school bus without authorization (second offense within three years)	\$300-\$1,000; 5 days-6 months	300	1,000	5 days	6 months
343.12(9)(c)	Operating a school bus without authorization (third or subsequent offenses within three years)	\$1,000-\$2,000; 10 days-6 months	1,000	2,000	10 days	6 months
343.14(9)	Committing fraud in an application for a motor vehicle license or identification card	Max. \$1,000, 6 months		1,000		6 months
343.16(7)(a)	Securing the services of another person to take an examination for a vehicle license	\$100-\$200; Max. 6 months	100	200		6 months
343.16(7)(b)	Taking an examination for a vehicle license in the place of another person	\$100-\$200 (1st offense), \$200-\$500 (subsequent offenses); Max. 6 months (1st offense), 1 year (subsequent offenses)	100 (1st violation); 200 (subsequent violations)	200 (1st violation); 500 (subsequent violations)		6 months (1st violation); 1 year (subsequent violations)
343.19(4)	False statements relating to duplicate motor vehicle licenses or identification cards	Max. \$1,000, 6 months		1,000		6 months
343.245(4)(b)	Allowing certain unauthorized employees to operate a commercial motor vehicle	\$2,750-\$25,000; Max. 90 days	2,750	25,000		90 days
343.28(4)	Failure to comply with requirements for courts to forward records of convictions to the Department of Transportation	Max. \$100, 6 months		100		6 months

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
343.315(1m)	Employers allowing drivers to operate a commercial motor vehicle during a period of disqualification	Max. \$5,000, 90 days		\$5,000		90 days
343.43(3)(a)	Unlawful use of a motor vehicle license (first offense)	\$200-\$600; Max. 6 months	\$200	600		6 months
343.43(3)(b)	Unlawful use of a motor vehicle license (second offense within three years)	\$300-\$1,000; 5 days-6 months	300	1,000	5 days	6 months
343.43(3)(c)	Unlawful use of a motor vehicle license (third of subsequent offenses within three years)	\$1,000-\$2,000; 10 days-6 months	1,000	2,000	10 days	6 months
343.43(3m)	Violations relating to operating a "Class D" or "Class M" vehicle	Max. \$300 (2nd offense), \$500 (subsequent offenses); Max. 30 days (2nd offense), 6 months (subsequent offenses)		300 (2nd violation); 500 (subsequent violations)		30 days (2nd violation); 6 months (subsequent violations)
343.44(2)(ar)2.	Operating a vehicle while revoked (if the revocation did not result from causing bodily harm)	Max. \$2,500, 1 year		2,500		1 year
343.44(2)(ar)3.	Operating a vehicle while revoked (if the operator causes great bodily harm to another person and does not know his or her operating privileges had been revoked)	\$5,000-\$7,500; Max. 1 year	5,000	7,500		1 year
343.44(2)(ar)4.	Operating a vehicle while revoked (if the operator causes the death of another person and does not know his or her operating privileges had been revoked)	\$7,500-\$10,000; Max. 1 year	7,500	10,000		1 year
343.44(2)(br)	Operating a vehicle while disqualified	Max. \$2,500, 1 year		2,500		1 year
344.48(2)	Forged proof relating to financial responsibility of a vehicle	Max. \$10,000, 9 months		10,000		9 months
345.37(6)	Failure to forward records of convictions to the Department of Transportation	Max. \$100		100		
346.17(2t)	Knowingly resisting a traffic officer by failing to stop a vehicle after receiving a visible or audible signal to stop	Max. \$10,000, 9 months		10,000		9 months
346.65(1)(b)	Two or more reckless driving convictions within a four-year period	\$50-\$500; Max. 1 year	50	500		1 year

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
346.65(2)(am)2.	Operating a vehicle under the influence of an intoxicant or other drug (if the number of prior convictions of causing injury from intoxicated operation of a vehicle plus the total number of other suspensions and revocations equals two)	\$350-\$1,100; 5 days-6 months	\$350	\$1,100	5 days	6 months
346.65(2)(am)3.	Operating a vehicle under the influence of an intoxicant or other drug (if the number of prior convictions of causing injury from intoxicated operation of a vehicle plus the total number of other suspensions and revocations equals three)	\$600-\$2,000; 30 days- 1 year	600	2,000	45 days	1 year
346.65(2)(am)4.	Operating a vehicle under the influence of an intoxicant or other drug (if the number of prior convictions of causing injury from intoxicated operation of a vehicle plus the total number of other suspensions and revocations equals four)	\$600-\$2,000; 60 days-1 year	600	2,000	60 days	1 year
346.65(2)(f)1.	Operating a vehicle under the influence of an intoxicant or other drug (if there was a minor passenger in the motor vehicle at the time of the violation)	\$350-\$1,100; 5 days-6 months	350	1,100	5 days	6 months
346.65(2j)(am)2.	Operating a vehicle with an alcohol concentration of 0.04 or more but less than 0.08 (if the number of prior convictions of causing injury from intoxicated operation of a vehicle plus the total number of other suspensions and revocations equals two)	\$300-\$1,000; 5 days-6 months	300	1,000	5 days	6 months
346.65(2j)(am)3.	Operating a vehicle with an alcohol concentration of 0.04 or more but less than 0.08 (if the number of prior convictions of causing injury from intoxicated operation of a vehicle plus the total number of other suspensions and revocations equals three or more)	\$600-\$2,000; 30 days- 1 year	600	2,000	45 days	1 year
346.65(2q)	Operation of a vehicle by a person who has not attained the legal drinking age with an alcohol concentration of more than 0.0 but less than 0.08 (if accompanied by a minor under 16 years of age)	\$400	400	400		
346.65(3)	Causing bodily harm to another by the negligent operation of a vehicle	\$300-\$2,000; 30 days-1 year	300	2,000	30 days	1 year

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
346.65(3m)	Causing injury to another by operating a vehicle under the influence of an intoxicant or other drug (if the driver has a prohibited alcohol concentration under 0.08 or detectable controlled substance in his or her blood)	\$300-\$2,000; 30 days-1 year	\$300	\$2,000	30 days	1 year
346.65(4)	Employment of drunken operators	\$50-\$500; Max. 6 months	50	500		6 months
346.74(5)(a)	Failure to fulfill a required duty upon striking a person or an occupied vehicle (if the accident did not involve death or injury to a person)	\$300-\$1,000; Max. 6 months	300	1,000		6 months
346.74(5)(b)	Failure to fulfill a required duty upon striking a person or an occupied vehicle (if the accident involved injury but not great bodily harm)	Max. \$10,000, 9 months		10,000		9 months
347.50(1m)	Operating a vehicle equipped with a transmitter emitting a signal to activate an emergency preemption device	Max. \$10,000, 1 year		10,000		1 year
347.50(1s)	Tampering with an ignition interlock device or immobilization device	\$150-\$600 (1st offense), \$300-\$1,000 (subsequent offenses); Max. 6 months	150 (1st violation); 300 (subsequent violations)	600 (1st violation); 1,000 (subsequent violations)		6 months
347.50(2)	Tampering with an odometer or airbag	Max. \$5,000, 1 year		5,000		1 year
349.25(1)	Operating a vehicle for hayrack, sleigh, boxesled, or bobsled rides without a license	Max. \$100, 30 days		100		30 days
350.11(3)(a)2.	Intoxicated snowmobiling (second offense within five years)	\$300-\$1,000; 5 days-6 months	300	1,000	5 days	6 months
350.11(3)(a)3.	Intoxicated snowmobiling (third offense within five years)	\$600-\$2,000; 30 days- 1 year	600	2,000	30 days	1 year
350.11(3)(b)	Causing injury to another by intoxicated snowmobiling; refusal to stop for a law enforcement officer	\$300-\$2,000; 30 days-1 year	300	2,000	30 days	1 year
351.08	Operation of a motor vehicle by a habitual traffic offender or repeat habitual traffic offender	Max. \$5,000, 180 days		5,000		180 days
425.401(1)	Various violations relating to consumer transactions	Max. \$2,000		2,000		

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
425.401(2)	Intentional violation of requirements to notice law enforcement about repossessing certain motor vehicle collateral or goods	Max. \$500		\$500		
440.03(14)(f)	Violations relating to practicing certain therapies	Max. \$200, 6 months		200		6 months
440.032(9)	Violations relating to sign language interpreting	Max. \$200, 6 months		200		6 months
440.21(4)(b)	Violating a temporary restraining order or injunction issued by a court relating to engaging in a practice without a credential required by the Department of Safety and Professional Services	\$25-\$5,000; Max. 1 year	\$25	5,000		1 year
440.26(8)	Acting as a private detective, investigator, or private security person without a license or permit	\$100-\$500; 3-6 months	100	500	3 months	6 months
440.311(2)	Using the title "behavior analyst" without a license	Max. \$250, 3 months		250		3 months
440.86(1)	Various violations relating to crematory authorities	Max. \$1,000, 6 months		1,000		6 months
440.95(1)	Knowing failure by a cemetery authority to be licensed	Max. \$100		100		
440.95(2)	Failure by a cemetery salesperson to register with the Department of Safety and Professional Services	\$25-\$200; Max. 6 months	25	200		6 months
440.95(3)	Violations relating to cemetery authorities and cemetery salespersons	Max. \$1,000, 6 months		1,000		6 months
440.95(4)	Violations relating to cemetery preneed sellers	Max. \$1,000, 90 days		1,000		90 days
440.968(2)	Using the title "Wisconsin registered interior designer" without being registered	\$100-\$500; Max. 3 months	100	500		3 months
440.981(2)	Using the title "licensed midwife" without a license	Max. \$250, 3 months		250		3 months
440.9965	Violations by an athlete agent intending to induce a student athlete to enter into an agency contract	Max. \$10,000, 9 months		10,000		9 months
441.13(1)	Various violations relating to nursing regulation	Max. \$250, 1 year		250		1 year
442.11	Violations relating to practicing as a certified public accountant without the required credentials	Max. \$500, 1 year		500		1 year
443.18(1)(a)	Violations relating to practicing as an architect or engineer without the required credentials	\$100-\$500; Max. 3 months	100	500		3 months

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
443.18(3)	Various violations relating to architects, engineers, designers, and surveyors	Max. \$500, 3 months		\$500		3 months
444.16(1)	Violations relating to boxing and mixed martial arts fighting					
445.15(1)	Various violations relating to funeral directors	Max. \$5,000; 30 days-3 months		5,000	30 days	3 months
445.15(1m)	Requirements by a funeral director or operator for a client who enters into a burial agreement to purchase a life insurance policy used to fund the agreement from a specified insurance intermediary	Max. \$5,000		5,000		
446.07	Various violations relating to the practice of chiropractic	Max. \$10,000, 9 months		10,000		9 months
447.09	Various violations relating to the practice of dentistry	Max. \$1,000, 1 year		1,000		1 year
448.09(1)	Billing a patient for a test performed by the state laboratory of hygiene by a Medical Examining Board licensee	Max. \$250		250		
448.09(1)	Various violations by any person relating to the Medical Examining Board	Max. \$10,000, 9 months		10,000		9 months
448.09(1m)	Various violations by a physician relating to the Medical Examining Board	Max. \$25,000, 9 months		25,000		9 months
448.59	Various violations relating to the Physical Therapy Examining Board	Max. \$10,000, 9 months		10,000		9 months
448.69(1)(a)	Various violations relating to the Podiatry Affiliated Credentialing Board	Max. \$10,000, 9 months		10,000		9 months
448.69(1)(b)	Billing a patient for a test performed by the state laboratory of hygiene by a Podiatry Affiliated Credentialing Board licensee	Max. \$250		250		
448.94	Various violations relating to the Dietitians Affiliated Credentialing Board	Max. \$1,000, 6 months		1,000		6 months
448.959	Various violations relating to the Athletic Trainers Affiliated Credentialing Board	Max. \$10,000, 9 months		10,000		9 months

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
448.970(1)	Various violations relating to the Occupational Therapists Affiliated Credentialing Board	Max. \$10,000, 9 months		\$10,000		9 months
449.11	Various violations relating to the Optometry Examining Board	\$50-\$200 (1st offense), \$200-\$500 (subsequent offenses); Max. 3 months (1st offense), 3-6 months (subsequent offenses)	\$50 (1st violation); 200 (subsequent violations)	200 (1st violation); 500 (subsequent violations)	3 months (subsequent violations)	3 months (1st violation); 6 months (subsequent violations)
450.11(9)(a)	Violations relating to prescription drugs and devices	Max. \$500, 6 months		500		6 months
450.155(2)(b)	Exhibition, display, or advertisement of certain vending machines by use of material harmful to minors	Max. \$10,000, 9 months		10,000		9 months
450.16(3)	Sale of contraceptives in a public school	Max. \$10,000, 9 months		10,000		9 months
450.18	Various violations relating to the Pharmacy Examining Board	\$50-\$100; 30-90 days	50	100	30 days	90 days
451.16	Various violations relating to acupuncture	\$100-\$1,000; Max. 90 days	100	1,000		90 days
452.17(1)	Acting as a broker or salesperson without a license	Max. \$1,000		1,000		
452.17(2)	Acting as a time-share salesperson without being registered	\$25-\$200; 10 days-6 months	25	200	10 days	6 months
452.17(3)	Various violations relating to real estate practice	Max. \$1,000, 6 months		1,000		6 months
453.05(3)	Violations relating to veterinary practice	Max. \$1,000 (1st offense) or \$3,000 (2nd offense within 3 years)		1,000 (1st violation); 3,000 (second violation within three years)		
454.16	Various violations relating to the Cosmetology Examining Board	\$100-\$5,000; 10-90 days	100	5,000	10 days	90 days
454.295	Various violations relating to barbering	\$100-\$5,000; 10-90 days	100	5,000	10 days	90 days

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
455.11	Various violations relating to the Psychology Examining Board	Max. \$200, 6 months		\$200		6 months
456.09(2)	Violations relating to nursing home administration	Max. \$1,000, 1 year		1,000		1 year
458.30	Various violations relating to the Real Estate Appraisers Board	Max. \$1,000, 6 months		1,000		6 months
470.09(2)	Various violations relating to the Examining Board of Professional Geologists, Hydrologists, and Soil Scientists	Max. \$10,000		10,000		
480.26(1)	Various violations relating to the Auctioneer Board	Max. \$1,000, 6 months		1,000		6 months
562.025 and 562.13 (2) (c)	Conflicts of interest relating to racing and pari-mutuel wagering	Max. \$10,000, 9 months		10,000		9 months
562.05 (1) and 562.13 (2) (c)	Engaging in racing or pari-mutuel wagering activities without a license	Max. \$10,000, 9 months		10,000		9 months
562.06 (5) and 562.13 (2) (c)	Accepting a wager or making a payout on a wager to a minor	Max. \$10,000, 9 months		10,000		9 months
562.11 (1) and 562.13 (2) (c)	Violations relating to certain racing or pari-mutuel wagering activities	Max. \$10,000, 9 months		10,000		9 months
562.13(2)	False statements in an application for a license relating to racing and pari-mutuel wagering	Max. \$10,000, 9 months		10,000		9 months
563.73(1)	Violations relating to restrictions on the conduct of bingo	Max. \$10,000, 9 months		10,000		9 months
563.73(2)	Various violations relating to bingo and raffle control	Max. \$5,000, 90 days		5,000		90 days
563.99(1)	Various violations relating to raffles	Max. \$1,000, 30 days		1,000		30 days
565.02(2m) and 565.50(1)	False statements in applications for positions administering state lottery operations	Max. \$10,000, 9 months		10,000		9 months
565.05 and 565.50(1)	Conflicts of interest for employees administering the state lottery	Max. \$10,000, 9 months		10,000		9 months
565.10(3m) and 565.50(1)	False statements by retailers applying for a state lottery retail contract	Max. \$10,000, 9 months		10,000		9 months
565.17 and 565.50(1)	Violations relating to limitations on state lottery ticket and share sales and purchases	Max. \$10,000, 9 months		10,000		9 months

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
565.25(3m) and 565.50(1)	False statements in proposing to contract for a major procurement for the state lottery	Max. \$10,000, 9 months		\$10,000		9 months
565.32(1),(2)(b), or (3) and 565.50(1)	Violations relating to advertising and ticket and share contents for the state lottery	Max. \$10,000, 9 months		10,000		9 months
565.50(3)	Possessing an altered or forged lottery ticket with intent to defraud	Max. \$10,000, 9 months		10,000		9 months
610.70(7)(a)	Willfully obtaining information about an individual from an insurer under false pretenses	Max. \$25,000		25,000		
647.07	Various violations relating to continuing care contracts	Max. \$10,000, 9 months		10,000		9 months
708.03	Designation of an attorney by a lender for a mortgagor	Max. \$100		100		
756.255	Use of jury duty service by an employer for a discriminatory action	Max. \$200		200		
757.22(5)	Judges acting as an attorney or attorneys having office with a judge	Max. \$100		100		
757.295(4)	Barratry	Max. \$500, 6 months		500		6 months
757.30(1)	Practicing law without a license	\$50-\$500; Max. 1 year	\$50	500		1 year
757.45	Sharing of compensation by attorneys	Max. \$500, 6 months		500		6 months
765.30(1)	Marriage outside the state to circumvent laws	Max. \$10,000, 9 months		10,000		9 months
765.30(2)	False statements in applying for a marriage license	Max. \$10,000, 9 months		10,000		9 months
765.30(3)	Unlawful solemnization of marriage	\$100-\$500; Max. 6 months	100	500		6 months
765.30(4)	Unlawful solemnization of marriage by the parties to the marriage	\$10-\$200; Max. 3 months	10	200		3 months
765.30(5)	Various violations relating to marriage	\$10-\$50	10	50		
767.75(6)(c)	Use of a child or family support assignment by an employer to discriminate against an employee or applicant	Max. \$500		500		

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
768.07	Various violations relating to the abolishment of actions for breach of promise, alienation of affection, or criminal conversation	Max. \$10,000, 9 months		\$10,000		9 months
778.16	Neglect by a treasurer of a municipality to perform forfeiture collection duties	\$50-\$300; 3-6 months	\$50	300	3 months	6 months
778.30(4)	Use by an employer of an order assigning an employee's income to pay forfeitures to discriminate against the employee	Max. \$500		500		
779.02(7)	Wrongful use of materials by a contractor	Max. \$300, 3 months		300		3 months
779.42	Obtaining a mechanic's services by misrepresentation of interest in personal property	Max. \$200, 6 months		200		6 months
779.49(2)	Unlawful sale, disposal, or mortgage of a dam (animal)	Max. \$10, 60 days		10		60 days
782.38	Reimprisonment	Max. \$1,000, 6 months		1,000		6 months
782.39	Concealment of a person entitled to a writ of habeas corpus	Max. \$1,000, 6 months		1,000		6 months
785.04(2)(a)	Contempt of court in a nonsummary procedure	Max. \$5,000, 1 year		5,000		1 year
785.04(2)(b)	Contempt of court in a summary procedure	Max. \$500, 30 days		500		30 days
800.095(1)(c)11.	Use by an employer of an assignment for failure to pay a monetary judgment to discriminate against the employee	Max. \$500		500		
800.12(3)	Contempt of court including misconduct in the presence of the court or the refusal of a witness to appear	Max. 7 days				7 days
813.12(8)(a)	Violation of a temporary domestic abuse restraining order or injunction	Max. \$1,000, 9 months		1,000		9 months
813.122(11)	Violation of a temporary child abuse restraining order or injunction	Max. \$1,000, 9 months		1,000		9 months
813.123(10)	Violation of a temporary restraining order or injunction for individuals at risk	Max. \$1,000, 9 months		1,000		9 months
813.125(7)	Violation of a temporary harassment restraining order or injunction	Max. \$1,000, 9 months		1,000		9 months

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
813.128(2)	Violation of a condition of a foreign protection order	Max. \$1,000, 9 months		\$1,000		9 months
823.12	Violation of various injunctions relating to nuisances	\$200-\$1,000; 3-6 months	\$200	1,000	3 months	6 months
846.40(10)(d)1.	Fraud relating to foreclosure reconveyances	Max. \$50,000, 1 year		50,000		1 year
846.45(6)(e)	Violations relating to foreclosure consultants	\$25-\$10,000; Max. 1 year	25	10,000		1 year
856.05(3)	Failure to deliver a will or suppression of a will	Max. \$500, 1 year		500		1 year
885.11(3)	Inexcusable failure by a witness to attend a court of record	Max. \$200		200		
939.32(1)(bm)	Attempt to commit a Class I felony	A				
939.615(7)(b)1.	Violation of a condition of lifetime supervision	A				
940.19(1)	Battery	A				
940.195(1)	Battery to an unborn child	A				
940.22(3)(d)	Failure by a therapist to report sexual exploitation by another therapist	A				
940.22(4)(d)	Failure to maintain confidentiality of reports and records relating to sexual exploitation by a therapist	A				
940.225(3m)	Fourth degree sexual assault	A				
940.285(2)(b)4.	Subjecting an individual at risk to abuse under circumstances causing bodily harm	A				
940.285(2)(b)5.	Subjecting an individual at risk to abuse under circumstances not causing bodily harm	B				
940.291(1)	Failure by a law enforcement officer to render first aid	A				
940.291(2)	Law enforcement officer permitting another to fail to render first aid	A				
940.295(3)(b)4.	Reckless abuse or neglect of patients or residents at community residential facilities under circumstances causing bodily harm	A				

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
940.295(3)(b)5.	Reckless abuse or neglect of patients or residents at community residential facilities under circumstances not causing bodily harm	B				
940.34(1)(a)	Failure to summon law enforcement for a victim of a crime causing bodily harm	C				
940.34(1)(b)	Failure by a private detective to notify law enforcement of a crime	C				
940.34(1)(c)	Failure by a private security person to notify law enforcement of a crime	C				
940.42	Intimidation of witnesses	A				
940.44	Intimidation of victims	A				
941.01(1)	Negligent operation of a vehicle endangering another's safety	A				
941.10(1)	Negligent handling of burning material	A				
941.12(2)	Interfering with fire fighting	A				
941.12(3)	Interfering with accessibility to a fire hydrant	C				
941.13	False alarms	A				
941.20(1)	Endangering safety by use of a dangerous weapon	A				
941.23(2)	Unqualified carrying of a concealed weapon	A				
941.235(1)	Unqualified carrying of a firearm in a public building	A				
941.237(2)	Carrying a handgun where alcoholic beverages may be sold and consumed	A				
941.24(1)	Possession of a switchblade knife	A				
941.26(2)(c)	Possession of a bomb	A				
941.26(4)(b)	Intentional use of pepper spray to cause bodily harm	A				
941.26(4)(h)	Selling pepper spray where customers have direct access to it	A				
941.26(4)(i)1.	Selling pepper spray that does not meet state requirements	A				

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
941.26(4)(j)1.	Selling pepper spray without adequate labeling	A				
941.26(4)(L)	Possession of pepper spray by a felon	A				
941.299(3)(a)	Directing a laser pointer at law enforcement	B				
941.315(2)	Possession or inhalation of nitrous oxide	A				
941.316(2)	Possession or abuse of hazardous substances	A				
941.318(2)	Manufacture, distribution, or delivery of salvinorin A with intent that it be consumed	Max. \$10,000		\$10,000		
941.36(1)	Fraudulent tapping of electric wires, gas, water, meters, or pipes	C				
941.37(2)	Obstructing emergency or rescue personnel	A				
941.38(3)	Violation of a court order to refrain from contacting a criminal gang member	A				
941.39(2)	Violation of a court order prohibiting contact with victims	A				
941.40(1)	Disturbing telecommunications or electricity lines by affecting a structure	B				
941.40(2)	Intentional disturbance of telecommunications or electricity lines	B				
941.40(3)	Intentionally causing an electrical connection with telecommunications or electricity lines	A				
942.01(1)	Defamation	A				
942.03	Giving false information for publication	A				
942.05	Opening letters	A				
942.06(3)	Use of polygraphs and similar tests	B				
942.07(4)	Use of genetics tests	B				
942.08(2)	Invasion of privacy	A				
942.09(5)(a)	Capturing a representation of a nude person in a locker room	B				

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
942.09(5)(b)1.	Capturing and distributing a representation of a nude person in a locker room	A				
943.01(1)	Damage to physical property	A				
943.014(2)	Demolition of a historic building without authorization	A				
943.017(1)	Graffiti	A				
943.07(3)	Throwing or shooting at railroads	B				
943.07(4)	Depositing dangerous debris on a railroad track	B				
943.11	Entry into a locked vehicle	A				
943.125(1)	Entry into a locked coin box	A				
943.125(2)	Possession of a device intended for breaking into a coin box	A				
943.14	Criminal trespass to dwellings	A				
943.145(2)	Criminal trespass to a medical facility	B				
943.15(1)	Entry onto a construction site or into a locked building, dwelling, or room	A				
943.20(3)(a)	Theft (if the value of the property does not exceed \$2,500)	A				
943.207(3m)(a)	Unlawful transfer of recorded sounds (if involving fewer than 1,000 recordings that do not exceed \$2,500 in value)	A				
943.208(2)(a)	Recording a performance without the consent of the performance owner (if involving fewer than 1,000 sound recordings or 100 audiovisual recordings during a 180-day period and the value of the recordings does not exceed \$2,500)	A				
943.209(2)(a)	Failure to disclose the manufacturer of a recording (if involving fewer than 100 recordings during a 180-day period and the value of the recordings does not exceed \$2,500)	A				

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
943.21(3)(am)1.	Fraud on a hotel or restaurant keeper, recreational attraction, taxicab operator, or gas station (if the value of the service is \$2,500 or less)	A				
943.215(1)	Absconding without paying rent	A				
943.23(3m)	Operating a vehicle without the owner's consent for less than 24 hours	A				
943.23(4m)	Riding as a passenger in a vehicle operated without the owner's consent	A				
943.23(5)	Removal of minor parts of a vehicle without the owner's consent	A				
943.24(1)	Issuing worthless checks for \$2,500 or less	A				
943.26(1)	Removing or damaging encumbered real property	A				
943.34(1)(a)	Receiving stolen property (if the value of the property does not exceed \$2,500)	A				
943.37	Alteration of property identification marks	A				
943.38(3)	Forgery; falsely making or altering objects and certain writings or documents	A				
943.392	Fraudulent data alteration	A				
943.395(2)(a)	Fraudulent insurance and employee benefit program claims (if the value of the claim does not exceed \$2,500)	A				
943.41(8)(a)	Making false statements to procure a financial transaction card; theft by taking a card or signing another's card	A				
943.41(8)(c)	Fraudulent use of a financial transaction card (if the value of the money, goods, services, or property does not exceed \$2,500)	A				
943.45(3)(b)	Theft of telecommunications service (second or subsequent offenses)	B				
943.45(3)(c)	Theft of telecommunications service (for direct or indirect commercial advantage or private financial gain)	A				

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
943.455(4)(b)	Theft of commercial mobile service (second or subsequent offenses)	B				
943.455(4)(c)	Theft of commercial mobile service (for direct or indirect commercial advantage or private financial gain)	A				
943.46(4)(b)	Theft of cable television service (second or subsequent offenses)	B				
943.46(4)(c)	Theft of cable television service (for direct or indirect commercial advantage or private financial gain)	A				
943.47(3)(b)	Theft of satellite cable programming (second or subsequent offenses)	B				
943.47(3)(c)	Theft of satellite cable programming (for direct or indirect commercial advantage or private financial gain)	A				
943.49(2)(b)1.	Use of a recording device in a movie theater without written consent	A				
943.50(4)(a)	Retail theft (if the value of the merchandise does not exceed \$500)	A				
943.61(5)(a)	Theft of library material (if the value of the library materials does not exceed \$2,500)	A				
943.62(4)(a)	Unlawful receipt of payments to obtain a loan for another (if the value of the payment does not exceed \$2,500)	A				
943.70(2)(b)1.	Computer crimes; offenses against computer data and programs	A				
943.70(3)(b)1.	Computer crimes; offenses against computers, computer equipment, or supplies	A				
943.74(3)(a)	Theft of farm-raised fish	A				
943.75(2)	Unauthorized release of animals	C (first offense), A (second offense)				

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
943.76(3)(a)	Infecting livestock with a contagious disease through reckless conduct	A				
943.76(3)(b)	Infecting wild deer with a contagious disease through reckless conduct	A				
943.81 and 943.91 (1)	Theft from a financial institution (if the value of the money, funds, credits, assets, securities, or property does not exceed \$500)	A	Subject to penalty of a class B misdemeanor, pursuant to s.939.32 (2m)			
943.82 (1) and 943.91 (1)	Fraud against a financial institution (if the value of the money, funds, credits, assets, securities, or property does not exceed \$500)	A	Subject to penalty of a class B misdemeanor, pursuant to s.939.32 (2m)			
943.83 and 943.91 (1)	Loan fraud (if the value of the loan does not exceed \$500)	A	Subject to penalty of a class B misdemeanor, per s.939.32 (2m)			
943.84 and 943.91 (1)	Transfer of encumbered property (if the value of the property does not exceed \$500)	A	Subject to penalty of a class B misdemeanor, pursuant to s.939.32 (2m)			
944.15(2)	Public fornication	A				
944.17(2)	Sexual gratification	A				
944.20(1)	Lewd or lascivious behavior	A				
944.21(5)(b)	Obscenity (if the person has one prior obscenity conviction)	A				
944.23	Making, lewd, obscene, or indecent drawings in public	C				

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
944.25(2)	Sending obscene or sexually explicit electronic messages	A				
944.30	Prostitution	A				
944.31	Patronizing prostitutes	A				
944.33(1)	Pandering	A				
944.36	Solicitation of drinks by an entertainer or employee of a licensee, permittee, or bartender of a retail alcohol beverage establishment	B				
945.02	Gambling	B				
945.04(1m)	Permitting premises to be used for commercial gambling	A				
945.07(1)	Gambling by participants in a contest	A				
945.08(2)	Agreeing to being bribed as a participant in a contest	A				
946.06(1)	Improper use of the flag	A				
946.15(2)	Public construction contracts at less than full rate (kickbacks)	C				
946.15(4)	Public construction contracts at less than full rate (targeting)	C				
946.16	Judicial officer collecting claims	B				
946.17	Corrupt means to influence legislation; disclosure of interest	A				
946.32(2)	False swearing	A				
946.40(1)	Refusing to aid an officer	C				
946.41(1)	Resisting or obstructing an officer	A				
946.42(2)	Escape from custody	A				
946.425(1m)(a)	Failure to report to jail (for a person who receives a stay of execution of imprisonment of less than 10 days)	A				

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
946.425(1r)(a)	Failure to report to jail (for a person who is subject to a confinement order as the result of a conviction for a misdemeanor)	A				
946.45(1)	Negligently allowing escape	B				
946.46	Encouraging a violation of probation, extended supervision, or parole	A				
946.49(1)(a)	Bail jumping (if the offense with which the person is charged is a misdemeanor)	A				
946.495	Violation of a nonsecure custody order	A				
946.50(6)	Absconding (if the person was adjudicated delinquent for committing a misdemeanor if committed by an adult)	A				
946.67(1)	Compounding crime	A				
946.70(1)(a)	Impersonating a peace officer with intent to mislead others	A				
946.70(1)(b)	Impersonating a fire fighter with intent to mislead others	A				
946.70(1)(c)	Impersonating an emergency medical technician with intent to mislead others	A				
946.70(1)(d)	Impersonating a first responder with intent to mislead others	A				
946.71(2)	Unlawful use of a license for carrying concealed weapons	A				
946.72(2)	Tampering with public notices	B				
946.73	Violation of laws governing state fair park or any state or county charitable, curative, reformatory, or penal institution while within the same grounds	C				
946.74(1)	Aiding escape from mental institutions	A				
946.75	Denial of right of counsel	A				
947.01(1)	Disorderly conduct	B				

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
947.011(3)(a)	Disrupting a funeral or memorial service	A				
947.012(1)	Unlawful use of a telephone	B				
947.0125(2)	Unlawful use of computerized communication systems	B				
947.013(1r)	Harassment accompanied by a credible threat that places the victim in reasonable fear of death or great bodily harm	A				
947.02	Vagrancy	C				
947.04(1)	Drinking in common carriers	C				
947.06(3)	Intentional failure or refusal to withdraw from an unlawful assembly which the person knows has been ordered to disperse	A				
947.07(2)	Causing violence or a breach of peace by damaging or destroying a U.S. flag	A				
948.09	Sexual intercourse with a child age 16 or older	A				
948.10(1)(b)	Exposing genitals or pubic area to a child, or causing a child to expose genitals or pubic area, for purposes of sexual arousal or sexual gratification (when the actor is a child)	A				
948.11(2)(b)	Intent to expose a child to harmful material	A				
948.21(1)(a)	Neglecting a child (when no bodily harm is a consequence)	A				
948.22(3)	Failure to provide spousal, grandchild, or child support (for less than 120 consecutive days)	A				
948.23(3)(c)1.	Failure to report the disappearance of a child (when no bodily harm is a consequence)	A				
948.40(4)	Contributing to the delinquency of a child	A				
948.45(1)	Contributing to truancy	C				
948.50(3)	Strip search of a pupil by a school employee	B				

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
948.51(3)(a)	Hazing (if the act results in or is likely to result in bodily harm to another)	A				
948.53(2)(b)1.	Child left unattended in a child care vehicle (when no bodily harm is a consequence)	A				
948.55(2)	Leaving or storing a loaded firearm within the reach or easy access of a child (if the child discharges the firearm causing bodily harm)	A				
948.55(3)	Leaving or storing a loaded firearm within the reach or easy access of a child (if the child possesses or exhibits the firearm in a public place)	C				
948.60(2)(a)	Possession of a dangerous weapon by a person under 18	A				
948.61(2)(a)	Possession of a dangerous weapon other than a firearm on school premises	A				
948.62(1)(a)	Receiving stolen property from a child (if the value of the property does not exceed \$500)	A				
948.63	Receiving property from a child	A				
949.165(14)	Violations relating to payment to and establishment of escrow accounts	Max. \$500, 30 days		\$500		30 days
949.17(2)	Misrepresentation associated with the crime victim compensation program	Max. \$500, 6 months		500		6 months
949.37(2)	Misrepresentation associated with awards for sexual assault forensic examination compensation	Max. \$500, 6 months		500		6 months
951.02 and 951.18(1)	Mistreating animals	A				
951.025 and 951.18(1)	Killing an animal by means of decompression	A				
951.03 and 951.18(1)	Dognapping and catnapping	A				
951.04 and 951.18(1)	Leading an animal upon a highway from a motor vehicle	A				

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
951.05 and 951.18(1)	Transportation of animals in a cruel manner	A				
951.06 and 951.18(1)	Exposing a domestic animal to poisonous or controlled substances	A				
951.07 and 951.18(1)	Using certain devices on animals to ready them for an exhibition, competition, rodeo, circus, or other performance	A				
951.08 (2m) and 951.18 (2)	Owning an animal within 5 years of conviction for instigating fights between animals	A				
951.08 (3) and 951.18 (2)	Spectating a cockfight, dog fight, bullfight, or other fight between animals	A				
951.09 and 951.18 (1)	Shooting at caged or staked animals	A				
951.095 and 951.19 (2m)	Harassment of police and fire animals (when no injury is a consequence)	A				
951.097 (1) (b) 1. or (2) (a) and 951.18 (2s)	Reckless harassment of service dogs	B				
951.097 (1) (b) 2., (2) (b), or (3) (a) and 951.18 (2s)	Intentional harassment of service dogs or recklessly injuring a service dog	A				
951.10 and 951.18 (1)	Unlawful sale of baby rabbits, chicks, and other fowl	A				
951.11 and 951.18 (1)	Artificially coloring animals	A				
951.13 and 951.18 (1)	Failure to provide proper food and drink to confined animals	A				
951.14 and 951.18 (1)	Failure to provide proper shelter to confined animals	A				
951.15 and 951.18 (1)	Abandoning animals	A				

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
961.41(3g)(b)	Possession of a controlled substance not included in schedule I or II that is a narcotic drug					
961.41(4)(bm)	Manufacture, delivery, distribution, or dispensation of imitation controlled substances	Max. \$500, 6 months		\$500		6 months
961.435	Use or prescription by a practitioner of a controlled substance in schedule I, II, III, or IV	Max. \$500, 30 days		500		30 days
961.573(1)	Possession of drug paraphernalia	Max. \$500, 30 days		500		30 days
961.574(1)	Manufacture or delivery of drug paraphernalia	Max. \$1,000, 90 days		1,000		90 days
961.575(1)	Delivery of drug paraphernalia to a minor	Max. \$10,000, 9 months		10,000		9 months
961.576	Advertisement of drug paraphernalia	Max. \$500, 30 days		500		30 days
968.075(5)(a)2.	Contact with an alleged victim immediately following an arrest for a domestic abuse incident	Max. \$10,000, 9 months		10,000		9 months
968.255(4)	Intentional violation of strip search requirements	Max. \$1,000, 90 days		1,000		90 days
968.34(3)	Unlawful use of a pen register or trap and trace device	Max. \$10,000, 9 months		10,000		9 months
968.49	Failure to attend as a grand juror after being lawfully summoned without a sufficient excuse	Max. \$40		40		
973.05(5)(g)	Use by an employer of an assignment for an employee's failure to pay certain fines, surcharges, costs, or fees to discriminate against the employee	Max. \$500		500		
973.07	Failure to pay a fine, fees, surcharges, or costs or to comply with certain community service work	Max. 6 months				6 months
976.03(11)	Officer delivering a person in custody to an extradition agent of another state	Max. \$1,000, 6 months		1,000		6 months
979.01(2)	Violations relating to reporting deaths	Max. \$1,000, 90 days		1,000		90 days
979.10(4)	Unlawful cremation without a permit	Max. \$10,000, 9 months		10,000		9 months
985.03(2)	Causing a legal notice to be published in an ineligible newspaper or failure to cause such legal notice in any newspaper	Max. \$100		100		

Statute Section	Summary of Misdemeanor	Penalty or Class*	Minimum Fine	Maximum Fine	Minimum Jail	Maximum Jail
995.67(2)(b)	Disclosure by a domestic abuse services organization of the location of certain people to a service recipient	Max. \$500, 30 days		\$500		30 days

***Misdemeanor Penalties**

Class A: Fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both.

Class B: Fine not to exceed \$1,000 or imprisonment not to exceed 90 days, or both.

Class C: Fine not to exceed \$500 or imprisonment not to exceed 30 days, or both.

APPENDIX II

Misdemeanor Disposition Summary Statewide Report

<u>Categories</u>	<u>Total Opened</u>	<u>Total Disposed</u>	<u>Jury Trial</u>	<u>Court Trial</u>	<u>Plead Before Trial</u>	<u>Dismissed Before Trial</u>	<u>Other</u>
Battery	7,811	7,780	118	12	5,342	2,282	26
4th Degree Sexual Assault	201	222	10	0	166	45	1
Intimidate Witness/Victim	228	256	1	0	186	69	0
Crimes Against Children	476	509	7	2	351	148	1
Resisting An Officer	6,115	6,008	51	4	4,973	960	20
Theft	3,893	3,742	15	4	2,812	903	8
Retail Theft (Shoplifting)	2,994	2,723	8	2	2,225	483	5
Receiving Stolen Property	319	317	2	0	213	101	1
Operate Vehicle w/o Consent	95	92	0	0	69	22	1
Entering Locked vehicle	21	22	2	0	16	4	0
Criminal Damage	3,100	3,085	18	0	2,239	819	9
Disorderly Conduct	10,166	10,153	65	15	7,355	2,698	20
Criminal Trespass	418	408	1	1	287	119	0
Weapons/Explosives	885	772	10	2	592	168	0
Sex Crimes	270	254	3	1	198	51	1
Drug Possessions	4,582	4,481	6	3	3,516	951	5
Drug Paraphernalia	1,548	1,502	2	1	1,180	318	1
Other Drug Offenses	2	2	0	0	2	0	0
Forgery	5	3	0	0	3	0	0
Worthless Checks	1,355	1,657	1	0	1,046	609	1
Public Assistance Fraud	2	1	0	0	1	0	0
Other Fraud	313	265	2	0	179	84	0
Violation of TRO	779	737	10	4	450	266	7
Contempt of Court	94	112	0	0	23	87	2
Escape	35	37	0	0	33	4	0
Bail Jumping	6,267	6,149	24	5	3,582	2,519	19
Misdemeanor Traffic	27,488	27,598	169	23	22,796	4,565	45
Other Misdemeanor	1,167	1,124	8	2	710	396	8
Unidentified Misdemeanor	<u>96</u>	<u>184</u>	<u>1</u>	<u>0</u>	<u>118</u>	<u>64</u>	<u>1</u>
Total	80,725	80,195	534	81	60,663	18,735	182