



**SENATE AMENDMENT 1,
TO ASSEMBLY BILL 180**

March 18, 2014 – Offered by Senator CARPENTER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 12: after that line insert:

3 “**SECTION 2d.** 66.0114 (1) (b) of the statutes is renumbered 66.0114 (1) (b) 1. and
4 amended to read:

5 66.0114 (1) (b) 1. Local ordinances, except as provided in ~~this paragraph~~ or ss.
6 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any
7 or all violations under those ordinances, may designate the manner in which the
8 stipulation is to be made, and may fix the penalty to be paid. ~~When~~ Except as
9 provided in subd. 2., when a person charged with a violation for which stipulation
10 of guilt or no contest is authorized makes a timely stipulation and pays the required
11 penalty, plus costs, fees, and surcharges imposed under ch. 814, to the designated
12 official, the person need not appear in court and no witness fees or other additional
13 costs, fees, or surcharges may be imposed under ch. 814 unless the local ordinance

1 so provides. ~~A court appearance is required for a violation of a local ordinance in~~
2 ~~conformity with s. 346.63 (1).~~

3 **SECTION 2h.** 66.0114 (1) (b) 2. of the statutes is created to read:

4 66.0114 (1) (b) 2. A person who is charged with a violation of a local ordinance
5 in conformity with s. 346.63 (1) or (5) shall appear, in person, in court to plead guilty,
6 no contest, or not guilty. A person who fails to appear, in person, in court is subject
7 to arrest and to a \$300 surcharge pursuant to subd. 3.

8 **SECTION 2p.** 66.0114 (1) (b) 3. of the statutes is created to read:

9 66.0114 (1) (b) 3. If a person who is required under subd. 2. to appear, in person,
10 in court to enter a plea fails to appear in court, the court shall do all of the following:

11 a. Enter a default judgment against the person and impose the applicable
12 penalties, except that the court shall withhold imposing a forfeiture for the violation
13 until the person appears, in person, before the court.

14 b. Issue a warrant for the person’s arrest so that the person may appear before
15 the court in order for the court to impose a forfeiture for the violation.

16 c. Impose a \$300 surcharge on the person for his or her failure to appear. The
17 surcharge may be retained by the municipal court to offset the costs of holding a
18 hearing to impose the forfeiture.

19 **SECTION 2t.** 345.26 (1) (b) 3. of the statutes is created to read:

20 345.26 (1) (b) 3. Subdivision 1. does not apply to a person who is charged with
21 a violation of s. 346.63 (1) or (5) or a local ordinance in conformity therewith and who
22 is required to appear in person pursuant to s. 66.0114 (1) (b) 2., 800.035 (5) (a), or
23 967.055 (2m).”.

24 **2.** Page 5, line 12: after that line insert:

1 **“SECTION 7e.** 800.035 (5) (a) of the statutes is amended to read:

2 800.035 **(5)** (a) If a defendant is charged with a violation of an ordinance in
3 conformity with s. 346.63 (1) or (5), the municipality ~~may~~ shall, by ordinance, require
4 the defendant to appear in person before the court. The ordinance shall specify that
5 a person who fails to appear in person before the court is subject to arrest and to a
6 \$300 surcharge pursuant to par. (am).

7 **SECTION 7m.** 800.035 (5) (am) of the statutes is created to read:

8 800.035 **(5)** (am) If a person who is required under par. (a) to appear in person
9 before the court to enter a plea fails to appear in court, the court shall do all of the
10 following:

11 1. Enter a default judgment against the person and impose the applicable
12 penalties, except that the court shall withhold imposing a forfeiture for the violation
13 until the person appears in person before the court.

14 2. Issue a warrant for the person’s arrest so that the person may appear before
15 the court in order for the court to impose a forfeiture for the violation.

16 3. Impose a \$300 surcharge on the person for his or her failure to appear. The
17 surcharge may be retained by the municipal court to offset the costs of holding a
18 hearing to impose the forfeiture.

19 **SECTION 7s.** 967.055 (2m) of the statutes is created to read:

20 967.055 **(2m)** PERSONAL APPEARANCE IN COURT. (a) A person who is charged with
21 a civil violation of s. 346.63 (1) or (5) or a local ordinance in conformity therewith shall
22 appear in person in court to enter a plea of guilty, no contest, or not guilty to the
23 charge. A person who fails to appear in person in court is subject to arrest and to a
24 \$300 surcharge pursuant to par. (b). In this subsection, “court” may mean a circuit
25 court or a municipal court.

1 (b) If a person who is required under par. (a) to appear in person in court to enter
2 a plea fails to appear in court, the court shall do all of the following:

3 1. Enter a default judgment against the person and impose the applicable
4 penalties, except that the court shall withhold imposing a forfeiture for the violation
5 until the person appears in person before the court.

6 2. Issue a warrant for the person’s arrest so that the person may appear before
7 the court in order for the court to impose a forfeiture for the violation.

8 3. Impose a \$300 surcharge on the person for his or her failure to appear. The
9 surcharge may be retained by the municipal court or the clerk of circuit court to offset
10 the costs of holding a hearing to impose the forfeiture.”.

11 **3.** Page 5, line 19: after that line insert:

12 “(2) The treatment of sections 345.26 (1) (b) 3., 800.035 (5) (a) and (am), and
13 967.055 (2m), the renumbering and amendment of section 66.0114 (1) (b), and the
14 creation of section 66.0114 (1) (b) 2. and 3. first apply to violations that occur on the
15 effective date of this subsection.”.

16 (END)