



## 1999 ASSEMBLY BILL 558

October 25, 1999 - Introduced by Representatives KAUFERT, WALKER, BALOW, JENSEN, SUDER, OWENS, HOVEN, GUNDRUM, COGGS, SPILLNER, PLALE, VRAKAS, STEINBRINK, MONTGOMERY, RYBA, HANDRICK, SYKORA, ALBERS and UNDERHEIM, cosponsored by Senators DRZEWIECKI, DARLING and ZIEN. Referred to Committee on Corrections and the Courts.

1     **AN ACT to repeal** 973.055 (3); **to amend** 20.435 (3) (hh), 20.435 (6) (hx), 346.655  
2           (1), 346.655 (2), 971.37 (1m) (c) 1. a., 973.055 (1) (intro.) and 973.055 (4); and  
3           **to create** 16.964 (6), 20.505 (6) (km), 349.02 (4) and 973.055 (2m) of the  
4           statutes; **relating to:** grants to law enforcement agencies for the purchase of  
5           photographic equipment and making an appropriation.

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### *Analysis by the Legislative Reference Bureau*

This bill requires the office of justice administration (OJA) to award grants to law enforcement agencies for the purchase of cameras, other than video cameras. The cameras may be used by law enforcement agencies only to document traffic stops and domestic abuse incidents. As a condition of receiving a grant, a law enforcement agency is required to provide 50% matching funds. A police officer may not make an arrest or issue a traffic citation if the arrest or traffic citation is based solely on evidence obtained from a camera that is purchased with a grant awarded by OJA.

Current law imposes a driver improvement surcharge on a person who violates certain laws relating to driving while intoxicated and imposes a domestic abuse assessment on a person who violates certain laws relating to domestic abuse. This bill increases the driver improvement surcharge from \$340 to \$341 and the domestic abuse assessment from \$50 to \$51. The money collected from the increases in the surcharge and assessment is used to fund the camera grant program.

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

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

1           **SECTION 1.** 16.964 (6) of the statutes is created to read:

2           16.964 (6) (a) In this section:

3           1. “Domestic abuse” has the meaning given in s. 968.075 (1) (a).

4           2. “Law enforcement agency” has the meaning given in s. 165.83 (1) (b).

5           (b) The office shall award grants from the appropriation account under s.  
6 20.505 (6) (km) to law enforcement agencies for the purchase of cameras, other than  
7 video cameras. Cameras purchased with a grant awarded under this subsection may  
8 be used only to document traffic stops and domestic abuse incidents. A law  
9 enforcement agency that receives a grant under this subsection shall contribute  
10 matching funds equal to 50% of the amount awarded under this subsection.

11           **SECTION 2.** 20.435 (3) (hh) of the statutes is amended to read:

12           20.435 (3) (hh) *Domestic abuse assessment grants.* All moneys received from  
13 part A of the domestic abuse assessment surcharge on court fines, as authorized  
14 under s. 971.37 (1m) (c) 1. or 973.055, to provide grants to domestic abuse services  
15 organizations under s. 46.95.

16           **SECTION 3.** 20.435 (6) (hx) of the statutes is amended to read:

17           20.435 (6) (hx) *Services related to drivers, receipts.* The amounts in the  
18 schedule for services related to drivers. All moneys received by the state treasurer  
19 from the driver improvement surcharge on court fines and forfeitures authorized  
20 under s. 346.655 shall be credited to this appropriation. The secretary of  
21 administration shall annually transfer to the appropriation account under s. 20.395

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1 (5) (di) ~~31.29%~~ 31.05% of all moneys credited to this appropriation. The secretary of  
2 administration shall annually transfer to the appropriation account under s. 20.505  
3 (6) (km) 0.78% of all moneys credited to this appropriation. The moneys remaining  
4 may be transferred to sub. (7) (hy) and ss. 20.255 (1) (hm), 20.285 (1) (ia), 20.395 (5)  
5 (ci) and 20.455 (5) (h) by the secretary of administration after consultation with the  
6 secretaries of health and family services and transportation, the superintendent of  
7 public instruction, the attorney general and the president of the University of  
8 Wisconsin System.

9 **SECTION 4.** 20.505 (6) (km) of the statutes is created to read:

10 20.505 (6) (km) *Grants to law enforcement agencies for cameras.* All moneys  
11 received from part B of the domestic abuse assessment surcharge authorized under  
12 ss. 971.37 (1m) (c) 1. and 973.055 and all moneys transferred from the appropriation  
13 under s. 20.435 (6) (hx) for the purpose of awarding grants to law enforcement  
14 agencies under s. 16.964 (6).

15 **SECTION 5.** 346.655 (1) of the statutes is amended to read:

16 346.655 (1) On or after July 1, 1988, if a court imposes a fine or a forfeiture for  
17 a violation of s. 346.63 (1) or (5), or a local ordinance in conformity therewith, or s.  
18 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle,  
19 it shall impose a driver improvement surcharge in an amount of \$340 \$341 in  
20 addition to the fine or forfeiture, penalty assessment, jail assessment and crime  
21 laboratories and drug law enforcement assessment.

22 **SECTION 6.** 346.655 (2) of the statutes is amended to read:

23 346.655 (2) (a) Except as provided in par. (b), the clerk of court shall collect and  
24 transmit the amount under sub. (1) to the county treasurer as provided in s. 59.40

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1 (2) (m). The county treasurer shall then make payment of ~~37.6%~~ 37.78% of the  
2 amount to the state treasurer as provided in s. 59.25 (3) (f) 2.

3 (b) If the forfeiture is imposed by a municipal court, the court shall transmit  
4 the amount to the treasurer of the county, city, town or village, and that treasurer  
5 shall make payment of ~~37.6%~~ 37.78% of the amount to the state treasurer as provided  
6 in s. 66.12 (1) (b). The treasurer of the city, town or village shall transmit the  
7 remaining ~~62.4%~~ 62.22% of the amount to the treasurer of the county.

8 **SECTION 7.** 349.02 (4) of the statutes is created to read:

9 349.02 (4) No police officer, sheriff, deputy sheriff, traffic officer or motor  
10 vehicle inspector may make an arrest or issue a uniform traffic citation for a violation  
11 of chs. 341 to 348 and 350 or a local ordinance enacted in conformity with chs. 341  
12 to 348 and 350 if the arrest or traffic citation is based solely on evidence obtained from  
13 a camera purchased with a grant awarded under s. 16.964 (6).

14 **SECTION 8.** 971.37 (1m) (c) 1. a. of the statutes is amended to read:

15 971.37 (1m) (c) 1. a. The district attorney shall determine the amount due. The  
16 district attorney may authorize less than a full assessment if he or she believes that  
17 full payment would have a negative impact on the offender's family. If the district  
18 attorney authorizes an amount less than a full assessment, the district attorney shall  
19 indicate the amount being authorized from both part A and part B of the assessment.  
20 The district attorney shall provide the clerk of circuit court with the information  
21 necessary to comply with subd. 1. b.

22 **SECTION 9.** 973.055 (1) (intro.) of the statutes is amended to read:

23 973.055 (1) (intro.) If a court imposes a sentence on an adult person or places  
24 an adult person on probation, regardless of whether any fine is imposed, the court  
25 shall impose a domestic abuse assessment of \$50 \$51 for each offense if:

