



## GREEN LAKE COUNTY CIRCUIT COURT

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*Circuit Judge*

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September 10, 2003

State Representative Garey Bies, Chairman  
Assembly Committee on Corrections and the Courts  
State Capitol, Rm 125 West  
Madison, WI 53701

Dear Representative Bies:

I am writing to express my support for Assembly Bill 421, relating to assessments, costs, fees, and surcharges. I apologize that I could not attend the public hearing on this legislation, however please accept this letter in lieu of my public testimony.

As a circuit court judge in Green Lake County, I have a professional interest in the way court surcharges are applied to base fines and forfeitures. I have also been involved with this issue as vice-chairman of the Wisconsin Supreme Court's Planning and Policy Advisory Committee (PPAC).

In May 1999, PPAC created a subcommittee to gather and organize facts concerning the system used to assess and collect court-related surcharges. This research effort confirmed that the number of surcharges, and the revenue they produce, have increased dramatically in recent years. The amount collected from surcharges now surpasses the amount collected from the base fines and forfeitures. There are now nearly 40 separate surcharges, with references to each scattered throughout the Wisconsin statutes, creating a very complex system.

AB 421 would simplify this system by consolidating all court-related surcharges in Chapter 814 of the statutes. Consolidation would also greatly assist judges and clerks-of-court in determining which surcharges apply to a particular conviction. It would simplify the legislative drafting process when surcharges are modified or created in the future.

I also view AB 421 as an important educational effort. It has been my experience that many legislators, and even court staff, are not aware of the number and type of surcharges that exist or the vast amount of revenue they generate. AB 421 addresses this issue by requiring the State Treasurer to produce and distribute the annual report listing the individual surcharges and the resulting revenue. It also requires the Director of State Courts office to provide a fiscal estimate for any legislation seeking to create a new surcharge or modify an existing one.

As a circuit court judge and PPAC vice-chairman, I have long been concerned with the complex and unwieldy structure for imposing and collecting court-related surcharges. It is time-consuming and frustrating for judges and clerks-of-court who administer the system. It also erodes the confidence of the motoring public who are unpleasantly surprised when they learn the total cost of a minimum \$30.00 speeding ticket mushrooms, with these surcharges, to \$156.20. Clerks-of-court are then forced to try to collect "uncollectible" money, and individuals may face further sanctions when they are unable to pay the cost of the original citation.

AB 421 would not solve all of these problems. However, its passage would represent an important first step in simplifying the statutes, organizing the many surcharges that exist, and providing legislators and others with useful information about the current surcharge structure and any future attempts to modify it. I strongly urge your support for this legislation.

Thank you for your time and consideration.

Sincerely,



Judge William M. McMonigal

WMM/dpw

Cc: Sen. Robert Welch	Rep. Scott Suder
Rep. Terri McCormick	Rep. Mark Pocan
Rep. Sheryl Albers	Rep. Pedro Colon
Rep. Gregg Underheim	Rep. Tony Staskunas
Rep. Carol Owens	Rep. Sheldon Wasserman
Rep. Frank Lasee	

# **Assembly Republican Majority**

## **Bill Summary**

### **AB 421: Assessments, costs, fees, and surcharges**

Relating to: assessments, costs, fees, and surcharges.

Introduced by Representatives McCormick, Musser, Townsend, Hahn, Kreibich, Seratti, Hines, Huber, Bies, Krawczyk and Van Roy; cosponsored by Senators Welch and Roessler.

**Date:** November 4, 2003

### **BACKGROUND**

Under current law, circuit courts may impose a fine or forfeiture and municipal courts may impose a forfeiture for a violation of law. Generally, forfeitures collected by municipal courts are paid to the municipality and forfeitures or fines collected by circuit courts are paid to the state. In addition to fines and forfeitures, a court currently may impose a variety of assessments, surcharges, and restitution payments, as well as court costs and fees. The money collected from these assessments, surcharges, restitution payments, costs, and fees funds various local and state programs.

### **SUMMARY OF AB 421**

Assembly Bill 421 is a straightforward proposal. The legislation simply consolidates all fines, forfeitures, assessments, surcharges and restitution payments into one chapter of the statutes. Further, the bill changes the name of all assessments, surcharges and restitution payments simply to: surcharges.

Assembly Bill 421 also requires the state treasurer to report annually to the legislature the amount of money that the courts collect as costs, fees, fines, forfeitures and surcharges and requires the director of state courts to prepare a fiscal estimate on any bill that modifies or creates a surcharge.

Assembly Bill 421 *does not* modify any current surcharge in amount levied or when applied, and does not create any new surcharges.

### **FISCAL EFFECT**

Because Assembly Bill 421 does not modify any current assessments in regards to when they are applied or in dollar amount assessed, the fiscal estimate provided by the Office of the State Director of Courts indicates that there will be no fiscal effect at the state or local level.

### **PROS**

1. Assembly Bill 421 consolidates all current assessments, surcharges and restitution payments into one location within state statutes.
2. Consolidation into one chapter of state statute of surcharges, will greatly simplify the process of determining which surcharge to apply in any situation.
3. Assembly Bill 421 will simplify the accounting by the legislature of revenue generated through surcharges.

### **CONS**

1. None apparent.

### **SUPPORTERS**

Rep. Terry McCormick, author; Sen. Bob Welch, lead co-sponsor; John Voelker, Director of State Courts; State Bar of Wisconsin.

### **OPPOSITION**

No one registered or testified in opposition to Assembly Bill 421.

### **HISTORY**

Assembly Bill 421 was introduced on June 24, 2003, and referred to the Assembly Committee on Corrections and the Courts. A public hearing was held on September 10, 2003. On October 8, 2003, the Committee voted 10-0 to recommend passage of Assembly Bill 421.

**CONTACT:** Andrew Nowlan, Office of Rep. Garey Bies

MEMO

TO: Members of the State Assembly  
FROM: ~~A. John Voelker, Director of State Courts~~  
RE: Assembly Bill 421  
DATE: ~~October \_\_\_\_\_, 2003~~

Assembly Bill 421, which is scheduled for action by the Assembly on \_\_\_\_\_, would simplify the present statutes by consolidating all court-related surcharges into Chapter 814 of the statutes.

There are now nearly 30 separate assessments, fines, costs, restitution payments and surcharges, with references to each scattered throughout the Wisconsin statutes. This bill changes the name of all of these assessments, fines, costs, restitution payments and surcharges to surcharges. All substantive provisions, including the amounts of the surcharges, remain the same.

AB 421 is the result of work by a subcommittee of the Supreme Court's Planning and Policy Advisory Committee (PPAC). The PPAC subcommittee confirmed the number of surcharges and the revenue they generate have greatly increased in recent years. The bill also requires the Director of State Courts to prepare a fiscal estimate for any bill that creates or modifies a surcharge and requires the State Treasurer to report annually the amount of money collected by the courts from surcharges.

Consolidation of the surcharges would greatly assist judges and clerks of court in determining which surcharges apply to a particular conviction. It will also simplify the current statutes and the legislative drafting process when future changes are made.

The surcharges are consolidated into new sections of the statutes, ss. 814.75 through 814.81, found on pages 85 through 91 of the bill. They are organized into the following seven categories:

- 814.75 Court-imposed surcharges.
- 814.76 Surcharges in criminal actions.
- 814.77 Surcharges in ch. 23 forfeiture actions.
- 814.78 Surcharges in ch. 66 forfeiture actions.
- 814.79 Surcharges in ch. 345 forfeiture actions.
- 814.80 Surcharges in ch. 778 forfeiture actions.
- 814.81 Surcharges in ch. 800 forfeiture actions.

I have also attached a table listing the surcharges, the statute creating the surcharge, the proposed new sections of ch. 814 and the current amount of the surcharge. If you have questions about AB 421, please direct them to our Legislative Liaison, Nancy Rottier, at 267-9733. Thank you.

+ Minor Technical Amendment

## Court Fees, Assessments and Surcharges

Name	Statute Imposing Surcharge	New Chapter 814 Statutory References	Surcharge Percentage or Amount
Consumer Protection Assessment (CPA)	100.261	814.75 (1), 814.76 (1) 814.78 (1), 814.80 (1) 814.81 (1)	25% of fine or forfeiture
Court Support Services Fee (CSSF)	814.634(1)(c) 814.634(1)(a) 814.63(1) 814.634(1)(b)	renumbered 814.85 (1) (a) thru (c) 814.75 (2), 814.77 (1) 814.78 (2), 814.79 (1) 814.80 (2)	\$51 \$68 \$68 \$169
Crime Lab & Drug Law Enforcement Assessment (CLDA)	165.755	814.75 (3), 814.76 (2) 814.77 (2), 814.78 (3) 814.79 (2), 814.80 (3) 814.81 (3)	\$7 per offense
Crime Prevention Program (XCS4)	753.40 973.06(1)(f) 973.09(1x)	814.75 (4), 814.76 (3) 814.77 (3), 814.78 (4) 814.79 (3), 814.80 (4) 814.81 (4)	varies
Crime Victim/Witness Surcharge (VWA) (VWAB)	973.045(1)	814.75 (5), 814.76 (4)	Misd. \$50 Felony \$70 per offense
Delinquency Victim Witness Surcharge (Juvenile)	938.34(8d)(a)	814.75 (6), 814.77 (4) 814.78 (5), 814.79 (4) 814.80 (5)	\$20
DNA Analysis Surcharge (DNAAS)	973.046	814.75 (7), 814.76 (5)	\$250
Domestic Abuse Assessment (DMAAP)	971.37 (1m) 973.055	814.75 (8), 814.76 (6) 814.80 (6), 814.81 (6)	\$50 per offense
Driver Improvement Program Surcharge (DIS)	346.655	814.75 (9), 814.76 (7) 814.78 (7), 814.79 (4m)	\$355
Drug Abuse Program Improvement Surcharge (DRG)	961.41(5)	814.75 (10), 814.76 (8)	50% of fine and penalty assessment
Environmental Assessment (ENV)	299.93	814.75 (12), 814.76 (10) 814.77 (5)	10% of fine or forfeiture
Fishing Shelter Removal Assessment (FSH)	29.985	814.75 (13), 814.77 (6)	varies
Jail Assessment (JA)	302.46(1)	814.75 (14), 814.76 (11) 814.77 (7), 814.78 (8) 814.79 (5), 814.80 (7) 814.81 (7)	1% of fine or forfeiture or \$10, whichever is greater
Justice Information Fee (was Court Automation Fee) (JIF)	814.635(1)	renumbered 814.86 814.75 (15), 814.77 (8) 814.78 (9), 814.79 (6) 814.80 (8)	\$9
Natural Resource Assessment (NRAP)	29.987 169.46(1)	814.75 (16), 814.76 (12) 814.77 (9)	75% of fine or forfeiture
Natural Resource Restitution (NRRP)	29.989 169.46(2)	814.75 (17), 814.76 (13) 814.77 (10)	varies

## Court Fees, Assessments and Surcharges

Penalty Assessment (PA)	757.05	814.75 (18), 814.76 (14) 814.77 (11), 814.78 (10) 814.79 (7), 814.80 (9) 814.81 (9)	24% of fine or forfeiture
Railroad Crossing Improvement Assessment	346.495 346.65(4r)* 346.177*	814.75 (19), 814.79 (8)	50% of forfeiture
Restitution Administrative Cost (RAC)	973.06(1)(g)	814.75 (20), 814.76 (15)	10% of any restitution ordered
Restitution Administrative Surcharge (RSCT)	973.20(11)(a)	814.75 (20), 814.76 (15)	5% of total fines, costs, etc.
Sheriff's Fee (WF)	973.06(1)(a) 814.70	No change	varies
Snowmobile Registration Restitution Payments (SNOW)	350.115	814.75 (21), 814.77 (12)	varies
Special Prosecution Clerks Fee (MSPF)	814.635(1m)	renumbered 814.86 814.75 (22), 814.77 (13) 814.78 (11), 814.79 (9) 814.80 (10)	\$3.50
Truck Driver Education Assessment	349.04	814.75 (23), 814.76 (16) 814.78 (12), 814.79 (10)	\$8
Uninsured Employers Penalties (UNEMP)	102.85(4)	814.75 (24), 814.76 (17)	75% of fine or forfeiture
Weapons Assessment (WA)	167.31 (5)	814.75 (25), 814.76 (18) 814.77 (14)	75% of fine or forfeiture
Wild Animal Protection Assessment (WLDAN)	29.983	814.75 (26), 814.76 (19) 814.77 (15)	varies by animal
WIC (Women, Infants & Children) Enforcement Assessment	253.06(4)(c)	814.75 (22m), 814.76 (15m) 814.80 (11)	50% of fine or forfeiture

\* See Assembly Amendment 1

# Assembly Committee on Corrections and the Courts

DATE \_\_\_\_\_

Moved by Stas Seconded by Albers

AB 421 SB \_\_\_\_\_ Clearinghouse Rule \_\_\_\_\_

AJR \_\_\_\_\_ SJR \_\_\_\_\_

A \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_

A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:

Passage

Introduction

Adoption

Rejection

Indefinite Postponement

Tabling

Concurrence

Nonconcurrence

	Committee Member	Aye	No	Absent	Not voting
1.	Rep. Garey Bies, chair	1			
2.	Rep. Sheryl Albers, vice-chair	2			
3.	Rep. Greg Underheim				
4.	Rep. Carol Owens	3			
5.	Rep. Frank Lasee	4			
6.	Rep. Scott Suder	5			
7.	Rep. Mark Honadel				
8.	Rep. Mark Pocan	6			
9.	Rep. Pedro Colon	7			
10.	Rep. Tony Staskunas	8			
11.	Rep. Sheldon Wasserman				
	Totals				

MOTION CARRIED

MOTION FAILED



## **Report on fines, forfeitures and surcharges in Wisconsin**

### **An overview**

The following report contains information on the imposition and collection of fees and surcharges that are added on to the basic cost of fines (criminal cases) and forfeitures (civil cases) in Wisconsin. It does not advocate any particular change to the fee and surcharge structure, but rather attempts to provide background on the topic, and explain the somewhat complex system.

The report is presented by the Director of State Courts Office, and is the product of research conducted by a subcommittee of the Wisconsin Supreme Court's Planning and Policy Advisory Committee (PPAC). The subcommittee's mission was to gather and present facts about the origin of fees and surcharges in Wisconsin, as well as how the system has changed over the years and evolved into its present state. PPAC discussed and officially endorsed the report in November 2001.

Finally, this report is intended as a factual document for review by any individual or group with an interest in the topic, and will be made available upon request. It also serves as an informational companion to legislation being drafted that seeks to clarify and simplify the current manner in which fees and surcharges are defined, imposed and collected in Wisconsin.

# **Fines, Forfeitures & Surcharges**

## **▄ Facts and findings ▄**

**Presented by:**  
**Wisconsin Director of State Courts Office**  
**On behalf of:**  
**The WI Supreme Court's Planning and Policy Advisory Committee**  
**(PPAC)**

**November 2001**  
**(Updated Dec. 2002)**

**Planning and Policy Advisory Committee**  
(3-year terms)

**Prof. John Kaminski**  
University of Wisconsin - Madison

**Hon. Allan Torhorst**  
Racine County Circuit Court

**Hon. David Flanagan**  
Dane County Circuit Court

**Hon. Robert E. Kinney**  
Oneida County Circuit Court

**Ms. Mary Williams**  
Citizen Member, Stevens Point

**Mr. Scott Johnson**  
District Court Administrator, 6th Judicial District

**Ms. Jean Jacobson**  
Racine County Executive

**Hon. Daniel Anderson**  
Court Of Appeals, District II

**Hon. Bonnie Gordon**  
Milwaukee County Circuit Court

**Hon. William Hue**  
Jefferson County Circuit Court

**Hon. John Roethe**  
Rock County Circuit Court

**Hon. Roderick Cameron**  
Chippewa County Circuit Court

**Ms. Bernadette Flatoff**  
Portage County Clerk Of Court

**Hon. Jeffrey Conen**  
Milwaukee County Circuit Court

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Barron County Circuit Court

**Atty. John P. Zakowski**  
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**Hon. Fred Hazelwood**  
Manitowoc County Circuit Court

**Hon. W. M. McMonigal**  
Green Lake County Circuit Court

**Hon. Edward Leineweber**  
Richland County Circuit Court

**Hon. Michael Hurt**  
Menomonee Falls Municipal Court

**Hon. James T. Bayorgeon**  
Outagamie County Circuit Court

**Mr. Michael Tobin**  
Public Defender's Office

**Ms. Patricia Ballman**  
Wisconsin Bar Association

**Mr. John Walsh**  
Wisconsin Bar Association

**Chief Justice Shirley Abrahamson**  
Wi Supreme Court

**J. Denis Moran**  
Director Of State Courts

*For further information, contact Mr. Daniel Wassink at:*  
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[dan.wassink@courts.state.wi.us](mailto:dan.wassink@courts.state.wi.us)

**PPAC fees & surcharges subcommittee members:**

**Hon. W. M. McMonigal, Chairman**  
Green Lake Co. Circuit Court

**Mr. Patrick Brummond**  
Deputy Director for Court Operations

**Ms. Bernadette Flatoff**  
Portage Co. Clerk of Courts

**Hon. Michael Hurt**  
Menomonee Falls Municipal Court

**Hon. John Roethe**  
Rock Co. Circuit Court

**Ms. Mary Williams**  
Stevens Point

**Contributing staff:**

**Ms. Sheryl Gervasi**  
Wisc. Supreme Court

**Ms. Melissa Lamb**  
Office of Court Operations

**Mr. Daniel Wassink**  
Office of Court Operations

## EXECUTIVE SUMMARY

This report presents factual and historical information about the structure used to impose and collect fines (criminal cases), forfeitures (civil cases) and court filing fees, as well as the surcharges imposed upon fines and forfeitures. It is an attempt to explain that structure in the simplest terms possible.

The Supreme Court's Planning and Policy Advisory Committee (PPAC) requested this report, due to a concern among PPAC members about the rapid growth in surcharges and the time and effort required to collect them. Since 1987, the number of surcharges in Wisconsin has nearly tripled, while **surcharge revenue has increased more than 500%**. Surcharge revenue now exceeds the amount generated by the base fines and forfeitures. In addition, county clerks of court bear the responsibility for collecting surcharges, despite the fact that many offenders simply cannot afford to pay. These non-paying offenders may end up in already-overcrowded county jails; or they may have their driver licenses suspended or revoked, but continue to drive and risk yet another citation. PPAC staff also discovered strong sentiment among law enforcement that surcharge levels have reached the point of being unfair, especially to people with low-to-average incomes who commit non-serious offenses such as exceeding the posted speed limit.

The following report is factual in nature and makes no recommendations for change. It is designed as an informational companion to legislation being drafted by the Director of State Courts Office. The draft legislation would create a subchapter on surcharges in Chapter 814 of the statutes that would contain a comprehensive list of all surcharges and what case types they should be applied to. The draft would also clarify how surcharges are applied to minors under Chapters 48 and 938, and the DNR statutes. Finally, it would require the State Treasurer to annually report to the Legislature the revenue collected from all surcharges. Many of the items contained in the draft legislation were originally part of a 1989 proposal that was an outgrowth of the Legislative Council's Special Committee on Surcharges on Fines and Forfeitures.

## **Background and mission**

At its May 1999 meeting, the Planning and Policy Advisory Committee (PPAC) discussed the issue of surcharges that are assessed on fines and forfeitures. Fines are levied upon conviction in criminal cases, while forfeitures are imposed for civil violations, such as speeding. In this document, the term "surcharges" is defined to include add-on fees, assessments and surcharges. It does not include base fine and forfeiture amounts, or filing fees.

Several PPAC members expressed concern about the growing number of surcharges and the effort and expense required to collect them. At this meeting, PPAC approved the creation of a subcommittee to study the issue. The group's mission was limited to gathering facts and data, then reporting that information back to PPAC for consideration.

The subcommittee met four times, usually just prior to the full PPAC meeting, to review information collected by its members and staff.

## **Facts and findings**

### **1. Historical and background information**

The subcommittee first examined the history of surcharges in Wisconsin, using a 1989 Legislative Council report to the Legislature (Report No. 7) as its main reference source. This report explained that:

- the "clear proceeds" of all fines and forfeitures collected by counties for any breach in state penal laws must be deposited in the state's common school fund and used for the operation of Wisconsin's public schools
- due partially to the limitation on the use of fines and forfeitures, fees and surcharges have been created to generate revenue for various state and local programs. The first such surcharge – the Penalty Assessment – was enacted in 1977

Since 1977, the Legislature has continued to create new surcharges. TABLE 1 on the next page illustrates this growth, and compares that to the growth in revenue from base fine and forfeiture amounts and filing fees.

TABLE 1

	1987	1993	2001
<b>SURCHARGES</b>			
No. of surcharges	9	20	25
Amount collected	<b>\$10.8 million</b>	<b>\$27.5 million</b>	<b>\$67.9 million</b>
Percent increase in amt. collected	--	155%	147%
<b>FINES/FORFEITURES &amp; FILING FEES</b>			
Amount collected	<b>\$43.6 million</b>	<b>\$47.6 million</b>	<b>\$57.7 million</b>
Percent increase in amt. collected	--	9%	21%

*SOURCE: Office of Court Operations 2001 Revenue Summary Report*

**NOTE:** Fines/forfeitures & filing fees include lines 1 (except for CCAP's share), 7a, 7b, 8, 9, 11, 12, 27 and 29 of the 2001 Revenue Summary Report (Appendix A).

Some surcharges are added on as a percentage of the base fine or forfeiture, while others are set at a fixed amount. Over the years, the Legislature has periodically raised these percentages and fixed amounts to generate additional revenue. TABLE 2 below shows how the surcharges that apply to most traffic-related offenses affect a forfeiture returnable to circuit court for basic speeding (1-10 MPH over limit). It also offers a comparison between the years 1987 and 2002:

TABLE 2

	1987	2002
Base forfeiture amount	<b>30</b>	<b>30</b>
Penalty assessment	5.70	7.20
Jail assessment	10	10
Court costs	10	25
Automation fee	1	n.a.
Justice info. fee	n.a.	9
Crime lab/drug assessment	n.a.	5
Court support services fee	n.a.	52
<b>TOTAL</b>	<b>\$56.70</b>	<b>\$138.20</b>

*SOURCE: Civil Forfeiture Table – Effective July 30, 2002*

TABLE 3 on the next page takes the Year 2002 circuit court data above and compares it to what a basic speeding citation would cost in municipal court in 2002:

TABLE 3

	Municipal court	Circuit court
Base forfeiture amount	30	30
Penalty assessment	7.20	7.20
Jail assessment	10	10
Court costs	23 (ranges from \$15-\$23)	25
Automation fee	n.a.	n.a.
Justice info. fee	n.a.	9
Crime lab/drug assessment	5	5
Court support services fee	n.a.	52
<b>TOTAL</b>	<b>\$75.20</b>	<b>\$138.20</b>

*SOURCE: Civil Forfeiture Table – Effective July 30, 2002 and 2002 State of Wisconsin Revised Uniform State Traffic Deposit Schedule*

*Where does the money go?*

Surcharges sometimes apply only to fines and forfeitures issued for a very narrow group of offenses, while others apply to a much broader base of criminal or civil violations. The majority of the revenue generated by base fines and forfeitures goes to the state and is deposited in the Common School Fund in accordance with the Wisconsin Constitution. However, the Legislature has authorized counties to retain a share of state fines and forfeitures, as well as a percentage of certain surcharges. See **APPENDIX A** for a summary of revenue generated by all fines, forfeitures, filing fees, and surcharges. See **APPENDIX B** for a complete list of court costs, assessments and surcharges and an explanation of where the money goes after collection.

2. Fee and surcharge collection and “uncollectables”

The county Clerk of Courts is responsible for collecting and depositing all surcharges levied on fines and forfeitures. However, in some cases, the defendant may be indigent or otherwise unable to pay. This creates an additional cost to the Clerk to maintain an accounts receivable file and follow-up with the individual to try to collect. In some counties, the clerk has chosen to contract with a private collection agency to assume these duties.

An individual who does not pay a traffic-related fine or forfeiture, and the corresponding surcharges, faces suspension or revocation of his/her driver's license. If that individual continues driving despite the suspension or revocation, he/she risks yet another citation and therefore a larger bill to pay, if stopped by law enforcement.

This inability to pay, and the sanctions that may result, could be a contributing factor to the recent, significant increase in the number of convictions statewide for driving with a suspended or revoked driver's license. This is illustrated in TABLE 4 on the next page.



TABLE 4

	1992	2001	Percent increase
No. of convictions – driving w/ suspended or revoked DL	38,679	82,237	113%

SOURCE: DMV Records & Licensing Section, Traffic Convictions report

Uncollected citation amounts eventually impact county jail staff as well when individuals are incarcerated for failure to pay. Although it is impossible to quantify this impact statewide, the subcommittee did take a “snapshot” of the Rock County jail population to determine the reasons for incarceration. TABLE 5 below contains the findings of an examination of the county jail population on January 10, 2000.

TABLE 5

	No. of inmates	Percent of total
Probation hold or revocation OR held on various charges	190	39.3%
Sentenced for crime	206	42.6%
Non-payment of fine/forfeiture	24	5.0%
Criminal sentence AND non-payment of fine/forfeiture	64	13.2%
TOTAL	484	100%

SOURCE: Rock Co. Sheriff, Jail Population Breakdown by Charges

As TABLE 5 illustrates, eighty-eight (88) inmates, or 18.2% of the total jail population, were incarcerated solely, or in part, as a sanction for non-payment of fines or forfeitures.

### 3. Law enforcement attitudes

Subcommittee members were also curious about the attitude of law enforcement in Wisconsin toward surcharges. Police officers are on the “front lines” and have frequent face-to-face contact with individuals who must pay, and who may be unpleasantly surprised by the total citation amount.

The subcommittee contacted five statewide groups representing various law enforcement officers: Wisc. Sheriffs and Deputy Sheriffs Assoc., Badger State Sheriffs Assoc., Wisc. Chiefs of Police, Wisc. Professional Police Assoc., and the Wisc. State Patrol. With the exception of the State Patrol, which does not take official positions on public policy matters, spokespersons for all of these organizations oppose the proliferation of surcharges. Some were vehement in their opposition, stating that citations (e.g., speeding tickets) carry a high price tag and are often issued to generally law-abiding citizens with families to support.

Each spokesperson also indicated that officers at times use their discretion and issue a warning, or a citation with a lower base forfeiture amount, in lieu of a speeding ticket. In addition, at least two of the organizations have made preliminary inquiries and contacts in the past to explore the potential of legislative action to reduce the number of surcharges. However, neither organization has moved beyond this stage.

4. Past study and legislative action

In 1988, the Legislative Council established the Special Committee on Surcharges on Fines and Forfeitures. The Committee's mission was to review the appropriateness of surcharges as penalties and as revenue sources, as well as the system of collecting and accounting for these monies. The end result was a 1989 Legislative Council report to the Legislature (Report No. 7), referenced at the beginning of this document.

During its deliberations, the Legislative Council special committee reviewed a large amount of background material and considered many options. For example, special committee members expressed a desire to simplify and streamline the surcharge collection system. At one point members voted to repeal the jail assessment, only to reverse course later in their deliberations. Members also adopted a policy statement declaring that surcharges: are an administrative burden on law enforcement and courts; are an artificial means of circumventing the constitutional requirement that the state's portion of fine and forfeiture proceeds go to the Common School Fund; and create a harsh effect on low income people who must serve jail time if unable to pay. The policy statement also supported: an end to new surcharges and the use of general purpose revenue (GPR), not surcharge proceeds, to fund worthwhile programs.

However, the most controversial decision of the special committee was approving a senate joint resolution that proposed to amend the state constitution and repeal the requirement that the state's share of fine and forfeiture revenue go into the Common School Fund. Instead, members wanted to permit the Legislature to use this revenue for programs related to drug abuse, law enforcement, and victims, witnesses and offenders. Local school officials (especially librarians) and their lobbyists turned out in great numbers to fight this proposal, fearing that if fine and forfeiture revenue was taken away from them, it would not be replaced by local government. There was also public sentiment opposing the use of public tax money (GPR) to help "fill in the funding gap" for schools. Finally, during the public hearing process, surcharges proved to be politically popular as a way to make criminals pay more for their offenses. As a result the senate joint resolution was not approved by the Legislature.

The special committee also recommended approval of legislation that would have created a number of other changes to state law relating to the imposition and administration of surcharges. For example, the bill proposed to: consolidate in a single statutory provision the cross-references to each of the surcharges; establish a uniform effective date of January 1 for all new and amended surcharges; and require an additional fiscal estimate for bills that impose surcharges. Although this bill also failed to win legislative approval, many of its provisions are contained in the new, accompanying legislation being proposed by the Director of State Courts Office.

# APPENDIX A

Tuesday, December 10, 2002

## REVENUE SUMMARY Report January, 2001 thru December, 2001

Page 1 of 1

Line	Description	Amount Collecte	County	State Share	CCAP Share
01	Circuit Court Fees (Ch. 814, Subchapter II)	\$21,137,446.79	\$7,788,077.42	\$8,264,084.33	\$5,085,285.04
02	Natural Resources Restitution Payments (s.29.998)	\$37,697.24	\$0.00	\$37,697.24	
03	Natural Resources Assessments (s.29.997)	\$328,490.94	\$0.00	\$328,490.94	
04	Domestic Abuse Assessments (s.973.055)	\$372,914.40	\$0.00	\$372,914.40	
05	Driver Improvement Surcharges (s.346.655)	\$6,987,812.22	\$4,284,251.98	\$2,703,560.24	
06a	Crime Victim/Witness Surcharge - PART A	\$1,457,077.19	\$0.00	\$1,457,077.19	
06b	Crime Victim/Witness Surcharge - PART B	\$904,822.99	\$0.00	\$904,822.99	
07a	State Fines, Forfeitures, And Penalties (Ch.348)	\$987,583.79	\$98,758.71	\$888,825.08	
07b	Violations Of Conforming County Ordinances	\$378,832.49	\$330,107.59	\$48,724.90	
08	State Fines And Forfeitures (Ch. 341-347, 349 & 351)	\$16,275,484.98	\$8,137,734.35	\$8,137,750.63	
09	All Other State Fines And Forfeitures	\$8,163,077.40	\$816,345.98	\$7,346,731.42	
10	Penalty Assessments (s.165.87)	\$10,387,790.86	\$0.00	\$10,387,790.86	
11	Forfeitures For Ordinance Violations	\$12,435,613.72	\$12,435,613.72	\$0.00	
12	Occupational Drivers License Fees (s.351.07(1g))	\$26,129.00	\$13,064.50	\$13,064.50	
13	Justice Information Fee (814.635)	\$6,111,520.09	\$0.00	\$6,111,520.09	
14	County Jail Assessment (s.302.46(1)(a))	\$4,779,363.96	\$4,779,363.96	\$0.00	
15	Court Support Services Fee (s.814.634)	\$27,537,643.71	\$0.00	\$27,537,643.71	
20	Uninsured Employer Assessment (s.102.85(4))	\$18,614.57	\$0.00	\$18,614.57	
21	Environmental Assessment (s. 299.93)	\$46,530.94	\$0.00	\$46,530.94	
22	Fishing Shelter Removal Assessment (s.29.9967)	\$26.25	\$0.00	\$26.25	
23	Snowmobile Registration Restitution (s.350.115)	\$3,860.10	\$0.00	\$3,860.10	
24	Wild Animal Protection Assessment (s.29.9965)	\$8,346.15	\$0.00	\$8,346.15	
25	Drug Abuse Surcharge (s.961.41(5))	\$994,800.05	\$0.00	\$994,800.05	
26	DNA Analysis Surcharge (s.973.046)	\$291,994.80	\$0.00	\$291,994.80	
27	Reimbursement Of Legal Fees JV Actions (48.275(2))	\$477,193.28	\$119,298.54	\$357,894.74	
28	Weapons Assessment (s.167.31(5))	\$27,778.81	\$0.00	\$27,778.81	
29	PROBATE	\$2,942,674.47	\$1,497,511.93	\$1,445,162.54	
30	Milwaukee Fee (s.814.635(1m))	\$149,646.98	\$0.00	\$149,646.98	
31	Crime Lab and Drug Assessment (s. 165.755(1)(a))	\$2,286,227.52	\$0.00	\$2,286,227.52	
32	WIC Enforcement Assessment (s. 253.06(4))	\$30.00	\$0.00	\$30.00	
33	Delinquency Victim/Witness Assistance Surcharge	\$62,939.39	\$0.00	\$62,939.39	
34	Railroad Crossing Improvement Assessment	\$6,003.81	\$0.00	\$6,003.81	
35	Consumer Information Assessment	\$14,185.42	\$0.00	\$14,185.42	
<b>Report Total</b>		<b>\$125,640,154.31</b>	<b>\$40,300,128.68</b>	<b>\$80,254,740.59</b>	<b>\$5,085,285.04</b>
Line 19 Municipal Pass-Through Money Total		\$6,699,279.18			

**APPENDIX B**

**Office of Court Operations, July 30, 2002**

**Court Fees, Assessments and Surcharges**

Name	Statute	Percentage or Amount	Description
Clerk Fee, Civil forfeiture (CFP)	814.63(1)(b)	\$25	<ul style="list-style-type: none"> <li>-applies to most forfeitures</li> <li>-does not apply to smoking, 101.123(2)(a), (am)1, (ar), (bm), (br) or (5); or safety belt use, 347.48(2m)</li> <li>-paid when judgment is entered</li> <li>Distribution of funds: \$5 to Consolidated Court Automation Program (CCAP); \$7.50 to county; \$12.50 to state general fund.</li> </ul>
Clerk Fee, Criminal (CFP)	814.60	\$20	<ul style="list-style-type: none"> <li>-applies to all criminal actions</li> <li>-paid when judgment is entered</li> <li>Distribution of funds: Split 50-50 between state general fund and county.</li> </ul>
Consumer Protection Assessment (CPA)	100.261	25% of fine or forfeiture	<ul style="list-style-type: none"> <li>-applies to violations of ch. 98 (weights and measures), ch. 100 (marketing and trade practices), and related ordinances and administrative rules</li> <li>-if the court imposes a fine or forfeiture, the court shall also impose this assessment</li> <li>Distribution of funds: 100% to state Dept. of Justice to fund consumer protection information and education.</li> </ul>
Court Support Services Fee (CSSF)	814.634(1)(c)	\$39	<ul style="list-style-type: none"> <li>-\$39 fee applies to small claims, garnishments, wage claims, and other actions where amount claimed is \$5,000 or less.</li> </ul>
	814.634(1)(a)	\$52	<ul style="list-style-type: none"> <li>-\$52 fee applies to civil actions where no money judgment is sought, such as name change, declaratory judgment, habeas corpus, minor settlements</li> </ul>
	814.63(1)	\$52	<ul style="list-style-type: none"> <li>-\$52 fee applies to state and county forfeitures, municipal ordinance violations, appeals from municipal court</li> </ul>
Crime Lab & Drug Law Enforcement Assessment (CLDA)	814.634(1)(b)	\$130	<ul style="list-style-type: none"> <li>-for forfeitures, fee is collected when judgment is entered against the defendant</li> <li>-\$130 fee applies to civil actions where amount claimed exceeds \$5,000</li> <li>-includes personal injury and property damage claims, foreclosure, even if amount claimed is not specified, 808.02(1)(m)</li> <li>-includes garnishments and wage claims over \$5,000</li> <li>Distribution of funds: 100% to state treasurer.</li> </ul>
	165.755	\$5 per offense	<ul style="list-style-type: none"> <li>-if the court imposes a sentence, places a person on probation, or imposes a forfeiture, a separate crime laboratories and drug law enforcement assessment shall be imposed for each separate offense or count</li> <li>-applies to state law and municipal or county ordinances</li> <li>-does not apply to smoking under 101.123(2)(a), (am)1, or (bm) or (5)(b) or for a violation of a 101.123(2)(a), (am)1, (bm), (br) or (5); a non-moving traffic violation; or a safety belt use violation under 347.48(2m)</li> <li>Distribution of funds: 100% to state Dept. of Justice for drug law enforcement and crime labs and related services.</li> </ul>

**APPENDIX B**

**Office of Court Operations, July 30, 2002**

**Court Fees, Assessments and Surcharges**

Crime Prevention Program (XCS4)	973.09(1x) 973.06(1)(f)	varies	-for 973.09(1x), if the court places a person on probation, the court may require the defendant to make a contribution to a crime prevention organization, if the court determines that defendant has the financial ability to make the contribution -for 973.06(1)(f), an amount determined by the court to make a reasonable contribution to a crime prevention organization. Distribution of funds: Selected crime prevention organization.
Domestic Abuse Assessment (DMAAP)	973.055	\$50 per offense	-when the court imposes a sentence on an adult person or places that person on probation, regardless of whether any fine is imposed, the court shall impose this assessment for each offense if: (1) the court convicts the person of a violation of various crimes listed in 973.055; (2) the court finds that the conduct involved an act by the defendant against a spouse or former spouse, against an adult with whom the defendant resides or formerly resided, or against an adult with whom the defendant has created a child; or (3) the court convicts a person for violation of a temporary restraining order under 813.12(8)(a) or a conforming municipal ordinance. Distribution of funds: 100% to state Dept. of Health and Family Services to fund grants to domestic abuse service organizations.
DNA Analysis Surcharge (DNAAS)	973.046(1g)	\$250	-if the court imposes a sentence or places a person on probation for sexual assault crimes under 940.225, 948.02(1), 948.02(2), or 948.025, the court shall impose this surcharge. -the court may assess the DNA surcharge if the court imposes a sentence or places a person on probation for any felony judgment in addition to the above offenses. -note that requiring a sample is different from imposing a surcharge: 973.047(1) provides that the court shall order any person convicted of a felony to provide a DNA sample to the State Crime Laboratory -so for most offenses, the sample is mandatory, the surcharge is discretionary Distribution of funds: 100% to state Dept. of Justice for use in supporting a DNA analysis data bank, training prosecutors in the use of DNA analysis, and related costs.
Driver Improvement Program Surcharge (DIS)	346.655	\$355	-if the court imposes a fine or forfeiture for a violation of operating under influence of intoxicant or other drug under 346.63(1) or (5) or a local ordinance in conformity; or injury by intoxicated use of a vehicle under 346.63(2) or (6) or 940.25; or homicide by intoxicated use of a vehicle under 940.09, it shall impose a driver improvement surcharge Distribution of funds: 61.5% to county and 38.5% to state treasurer. County funds used for alcohol assessment services.
Drug Abuse Program Improvement Surcharge (DRG)	961.41(5)(a)	50% of fine and penalty assessment	-when a fine is imposed for most drug offenses, listed in 961.41, the court shall also impose a drug abuse program improvement surcharge on the amount of the fine and penalty assessment imposed. Distribution of funds: 100% to state Dept. of Health and Family Services to fund programs providing prevention, intervention and treatment for alcohol and drug abuse problems.

**APPENDIX B**

**Office of Court Operations, July 30, 2002**

**Court Fees, Assessments and Surcharges**

Environmental Assessment (ENV)	299.93	10% of fine or forfeiture	-if the court imposes a fine or forfeiture for a violation of ch. 280 pure drinking water, ch. 281 water & sewage, ch. 283 pollution discharge elimination, ch. 285 air pollution, ch. 289 solid waste facilities, ch. 291 hazardous waste management, ch. 292 remedial action, ch. 293 metallic mining, ch. 295 nonmetallic mines reclamation: oil & gas, or ch. 299 general environmental, the court shall impose this assessment Distribution of funds: 100% to the state Environmental Fund.
Fishing Shelter Removal Assessment (FSH)	29.985	varies	-defendant to pay the cost of seizure, destruction or sale of the fishing shelter -if defendant does not reimburse these costs within 20 days, court may also impose forfeiture up to \$100 under 29.404(3). Distribution of funds: 100% to state Dept. of Natural Resources Conservation Fund Fish and Wildlife Account.
Jail Assessment (JA)	302.46(1)	1% of fine or forfeiture or \$10, whichever is greater	-if the court imposes a fine or forfeiture for a violation of state law or municipal or county ordinance it shall impose a jail assessment -does not apply to smoking under 101.123(2)(a), (am)1, (bm), (br), or (5); a non-moving traffic violation; or a safety belt use violation under s. 347.48(2m) Distribution of funds: 100% retained by counties to construct, remodel, repair or improve county jails.
Juvenile Delinquency Victim Witness Surcharge	938.34(8d)	\$20	-for violations for which a juvenile is adjudicated delinquent, the court shall, in addition to any disposition imposed under 938.34, impose a delinquency victim & witness assistance surcharge of \$20 Distribution of funds: 100% to state Dept. of Justice to fund victim and witness services.
Justice Information Fee (was Court Automation Fee) (JIF)	814.635(1)	\$9	-the clerk of circuit court shall collect \$9 from any person paying a fee for civil actions under 814.61(1)(a) or (3); administrative and municipal appeals under 814.61(8m); garnishment, wage earner, and small claims actions under 814.62; or forfeiture actions under 814.63(1). -does not apply to a safety belt violation under 347.48(2m). Distribution of funds: 100% to state Dept. of Justice to fund information systems; and 1/9 to state general fund.
Municipal Fee	814.63(2)	\$5	-upon disposition of a forfeiture action in circuit court for violation of a county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district ordinance, the above government unit shall pay a non-refundable \$5 fee -does not apply to a safety belt violation under 347.48(2m) Distribution of funds: 100% to clerk of circuit courts.
Natural Resource Assessment (NRAP)	29.987 169.46(1)	75% of fine or forfeiture	-if the court imposes a fine or forfeiture for violation of ch. 29 (wild animals and plants) or ch. 169 (captive wildlife), or related order the court shall impose this assessment Distribution of funds: 100% to state Dept. of Natural Resources Conservation Fund.

**APPENDIX B**

**Office of Court Operations, July 30, 2002**

**Court Fees, Assessments and Surcharges**

Natural Resource Restitution (NRRP)	29.989 169.46(2)	varies	-equal to the amount of the fee of the license or stamp that should have been paid -if the court imposes a natural resource assessment for violation of ch. 29, ch. 169, or a related order, the court shall impose this assessment also -do not treat this as restitution for purposes of the restitution surcharges Distribution of funds: 100% to state Dept. of Natural Resources Conservation Fund.
Penalty Assessment (PA)	757.05	24% of fine or forfeiture	-if the court imposes a fine or forfeiture for a violation of state law or municipal or county ordinances, it shall impose a penalty assessment -does not apply to smoking under ch. 101.123(2)(a), (am)1, or (bm), (br), or (5); a non-moving traffic violation; or a safety belt use violation under ch. 347.48(2m) Distribution of funds: 100% to state Dept. of Justice for law enforcement training and related services.
Railroad Crossing Improvement Assessment	346.495	50% of forfeiture	-if the court imposes a forfeiture under 346.49(1g), (2m)(a), (am), or (b), for a violation of 346.44, 346.45, or 346.46(3) the court shall impose a railroad crossing improvement assessment Distribution of funds: 100% to state Dept. of Transportation to fund railroad crossing protection installation and maintenance.
Restitution Administrative Cost (RAC)	973.06(1)(g)	10% of any restitution ordered	-if the court orders restitution under 973.20(11)(a), the court shall impose as costs an amount equal to 10% of the restitution ordered Distribution of funds: 100% to county treasurer.
Restitution Administrative Surcharge (RSCT)	973.20(11)(a)	5% of total fines, costs, etc.	-if the defendant is not placed on probation or sentenced to prison, the court may order that restitution be paid to the clerk of circuit court for transfer to the appropriate person -if the defendant is placed on probation, the defendant shall deliver the restitution to Dept. of Corrections for transfer to the appropriate person -the court shall require the defendant to pay a surcharge equal to 5% of the total amount of restitution, costs, attorney fees and any fines and related payments ordered to either Dept. of Corrections or the clerk of circuit court -the complete name and address of the party to be paid should be provided Distribution of funds: 100% to Dept. of Corrections or clerk of circuit courts for administrative expenses.
Sheriff's Fee (WF)	973.06(1)(a) & 814.70	varies	-the necessary disbursements and fees of officers allowed by law and incurred in connection with the arrest, preliminary examination and trial of the defendant -use amount on the bench warrant or order to produce; if none don't assess Distribution of funds: 100% to county sheriff's dept.
Snowmobile Registration Restitution Payments (SNOW)	350.115	varies	-amount equal to the amount of the required fee that should have been paid -do not treat this as restitution for purposes of the restitution surcharges Distribution of funds: 100% to state Dept. of Natural Resources Conservation Fund.



**APPENDIX B**

**Office of Court Operations, July 30, 2002**

**Court Fees, Assessments and Surcharges**

Special Prosecution Clerks Fee (MSPF)	814.635(1m)	\$2	-Milwaukee only -applies whenever the Justice Information Fee is assessed Distribution of funds: 100% to state treasurer to reimburse Milwaukee County district attorney expenses under 20.475(1)(i)
Truck Driver Education Assessment	349.04(1)	\$8	-if the court imposes a fine or forfeiture for a violation of ch. 346-348 or a rule issued under ch. 346-48 and the violation involved a commercial motor vehicle, the court shall impose a truck driver education assessment of \$8. Not effective until Director of State Courts receives notification from Director of Technical College System. Distribution of funds: 100% to fund truck driver training grants.
Uninsured Employers Penalties (UNEMP)	102.85(4)(a)	75% of fine or forfeiture	-when an employer fails to comply with ch. 102.16(3) or 102.28(2) (worker's compensation) and if the court imposes a fine or forfeiture, it shall impose this penalty Distribution of funds: 100% to the state Uninsured Employers Fund.
Victim/Witness Surcharge (VWA) (VWAB)	973.045(1)	Misd. \$50 Felony \$70 per offense	-if the court imposes a sentence or places a person on probation, the court shall impose the crime victim and witness assistance surcharge for each offense or count -surcharge applies even if no fine or forfeiture is imposed Distribution of funds: 100% to state Dept. of Justice to fund payments to victims, victim and witness services, and grants for sexual assault victim services.
Wild Animal Protection Assessment (WLDAN)	29.983(1)(a)	varies by animal	-if the court imposes a fine or forfeiture under this chapter or order for unlawful killing, wounding, catching, taking, trapping or possession of a wild animal specified in par(b), the court may impose this assessment -assessment is imposed per animal see 29.983(b) for detail Distribution of funds: 100% to state Dept. of Natural Resources Conservation Fund.
WIC (Women, Infants & Children) Enforcement Assessment	253.06(4)(c)	50% of fine or forfeiture	-if a court imposes a fine, forfeiture or recoupment for a violation of this subsection, the court shall impose this assessment Distribution of funds: 100% to state Dept. of Health and Family Services for the administration of the supplemental food program for women, infants and children.
Weapons Assessment (WA)	167.31(5)(a)	75% of fine or forfeiture	-if the court imposes a fine or forfeiture for a violation of this section, the court shall impose a weapons assessment Distribution of funds: 100% to state Dept. of Natural Resources Conservation Fund for law enforcement operations.

**APPENDIX B**

**Court Fees, Assessments and Surcharges**

**Office of Court Operations, July 30, 2002**

Name	Statute	Percentage or Amount	Description
Clerk Fee, Civil forfeiture (CFP)	814.63(1)(b)	\$25	<ul style="list-style-type: none"> <li>-applies to most forfeitures</li> <li>-does not apply to smoking, 101.123(2)(a), (am)1, (ar), (bm), (br) or (5); or safety belt use, 347.48(2m)</li> <li>-paid when judgment is entered</li> <li>Distribution of funds: \$5 to Consolidated Court Automation Program (CCAP); \$7.50 to county; \$12.50 to state general fund.</li> </ul>
Clerk Fee, Criminal (CFP)	814.60	\$20	<ul style="list-style-type: none"> <li>-applies to all criminal actions</li> <li>-paid when judgment is entered</li> <li>Distribution of funds: Split 50-50 between state general fund and county.</li> </ul>
Consumer Protection Assessment (CPA)	100.261	25% of fine or forfeiture	<ul style="list-style-type: none"> <li>-applies to violations of ch. 98 (weights and measures), ch. 100 (marketing and trade practices), and related ordinances and administrative rules</li> <li>-if the court imposes a fine or forfeiture, the court shall also impose this assessment</li> <li>Distribution of funds: 100% to state Dept. of Justice to fund consumer protection information and education.</li> </ul>
Court Support Services Fee (CSSF)	814.634(1)(c)	\$39	<ul style="list-style-type: none"> <li>-\$39 fee applies to small claims, garnishments, wage claims, and other actions where amount claimed is \$5,000 or less.</li> </ul>
	814.634(1)(a)	\$52	<ul style="list-style-type: none"> <li>-\$52 fee applies to civil actions where no money judgment is sought, such as name change, declaratory judgment, habeas corpus, minor settlements</li> </ul>
	814.63(1)	\$52	<ul style="list-style-type: none"> <li>-\$52 fee applies to state and county forfeitures, municipal ordinance violations, appeals from municipal court</li> </ul>
			<ul style="list-style-type: none"> <li>-does not apply to safety belt violations, 347.45(2m)</li> </ul>
			<ul style="list-style-type: none"> <li>-for forfeitures, fee is collected when judgment is entered against the defendant</li> </ul>
	814.634(1)(b)	\$130	<ul style="list-style-type: none"> <li>-\$130 fee applies to civil actions where amount claimed exceeds \$5,000</li> </ul>
			<ul style="list-style-type: none"> <li>-includes personal injury and property damage claims, foreclosure, even if amount claimed is not specified, 808.02(1)(m)</li> </ul>
			<ul style="list-style-type: none"> <li>-includes garnishments and wage claims over \$5,000</li> <li>Distribution of funds: 100% to state treasurer.</li> </ul>
Crime Lab & Drug Law Enforcement Assessment (CLDA)	165.755	\$5 per offense	<ul style="list-style-type: none"> <li>-if the court imposes a sentence, places a person on probation, or imposes a forfeiture, a separate crime laboratories and drug law enforcement assessment shall be imposed for each separate offense or count</li> <li>-applies to state law and municipal or county ordinances</li> <li>-does not apply to smoking under 101.123(2)(a), (am)1, or (bm) or (5)(b) or for a violation of a 101.123(2)(a), (am)1, (bm), (br) or (5); a non-moving traffic violation; or a safety belt use violation under 347.48(2m)</li> <li>Distribution of funds: 100% to state Dept. of Justice for drug law enforcement and crime labs and related services.</li> </ul>

APPENDIX B

Office of Court Operations, July 30, 2002

Court Fees, Assessments and Surcharges

Crime Prevention Program (XCS4)	973.09(1x) 973.06(1)(f)	varies	-for 973.09(1x), if the court places a person on probation, the court may require the defendant to make a contribution to a crime prevention organization, if the court determines that defendant has the financial ability to make the contribution -for 973.06(1)(f), an amount determined by the court to make a reasonable contribution to a crime prevention organization Distribution of funds: Selected crime prevention organization
Domestic Abuse Assessment (DMAAP)	973.055	\$50 per offense	-when the court imposes a sentence on an adult person or places that person on probation, regardless of whether any fine is imposed, the court shall impose this assessment for each offense if: (1) the court convicts the person of a violation of various crimes listed in 973.055; (2) the court finds that the conduct involved an act by the defendant against a spouse or former spouse, against an adult with whom the defendant resides or formerly resided, or against an adult with whom the defendant has created a child; or (3) the court convicts a person for violation of a temporary restraining order under 813.12(8)(a) or a conforming municipal ordinance. Distribution of funds: 100% to state Dept. of Health and Family Services to fund grants to domestic abuse service organizations
DNA Analysis Surcharge (DNAAS)	973.046(1g)	\$250	-if the court imposes a sentence or places a person on probation for sexual assault crimes under 940.225, 948.02(1), 948.02(2), or 948.025, the court shall impose this surcharge. -the court may assess the DNA surcharge if the court imposes a sentence or places a person on probation for any felony judgment in addition to the above offenses. -note that requiring a sample is different from imposing a surcharge: 973.047(1) provides that the court shall order any person convicted of a felony to provide a DNA sample to the State Crime Laboratory -so for most offenses, the sample is mandatory, the surcharge is discretionary Distribution of funds: 100% to state Dept. of Justice for use in supporting a DNA analysis data bank, training prosecutors in the use of DNA analysis, and related costs.
Driver Improvement Program Surcharge (DIS)	346.655	\$355	-if the court imposes a fine or forfeiture for a violation of operating under influence of intoxicant or other drug under 346.63(1) or (5) or a local ordinance in conformity, or injury by intoxicated use of a vehicle under 346.63(2) or (6) or 940.25; or homicide by intoxicated use of a vehicle under 940.09, it shall impose a driver improvement surcharge Distribution of funds: 61.5% to county and 38.5% to state treasurer. County funds used for alcohol assessment services.
Drug Abuse Program Improvement Surcharge (DRG)	961.41(5)(a)	50% of fine and penalty assessment	-when a fine is imposed for most drug offenses, listed in 961.41, the court shall also impose a drug abuse program improvement surcharge on the amount of the fine and penalty assessment imposed. Distribution of funds: 100% to state Dept. of Health and Family Services to fund programs providing prevention, intervention and treatment for alcohol and drug abuse problems.

**APPENDIX B**

**Office of Court Operations, July 30, 2002**

**Court Fees, Assessments and Surcharges**

Environmental Assessment (ENV)	299.93	10% of fine or forfeiture	-if the court imposes a fine or forfeiture for a violation of ch. 280 pure drinking water, ch. 281 water & sewage, ch. 283 pollution discharge elimination, ch. 285 air pollution, ch. 289 solid waste facilities, ch. 291 hazardous waste management, ch. 292 remedial action, ch. 293 metallic mining, ch. 295 nonmetallic mines reclamation; oil & gas, or ch. 299 general environmental, the court shall impose this assessment Distribution of funds: 100% to the state Environmental Fund
Fishing Shelter Removal Assessment (FSH)	29.985	varies	-defendant to pay the cost of seizure, destruction or sale of the fishing shelter -if defendant does not reimburse these costs within 20 days, court may also impose forfeiture up to \$100 under 29.404(3) Distribution of funds: 100% to state Dept. of Natural Resources Conservation Fund Fish and Wildlife Account.
Jail Assessment (JA)	302.46(1)	1% of fine or forfeiture or \$10, whichever is greater	-if the court imposes a fine or forfeiture for a violation of state law or municipal or county ordinance it shall impose a jail assessment -does not apply to smoking under 101.123(2)(a), (am)1, (bm), (br), or (5); a non-moving traffic violation; or a safety belt use violation under s. 347.48(2m) Distribution of funds: 100% retained by counties to construct, remodel, repair or improve county jails.
Juvenile Delinquency Victim Witness Surcharge	938.34(8d)	\$20	-for violations for which a juvenile is adjudicated delinquent, the court shall, in addition to any disposition imposed under 938.34, impose a delinquency victim & witness assistance surcharge of \$20 Distribution of funds: 100% to state Dept. of Justice to fund victim and witness services.
Justice Information Fee (was Court Automation Fee) (JIF)	814.635(1)	\$9	-the clerk of circuit court shall collect \$9 from any person paying a fee for civil actions under 814.61(1)(a) or (3); administrative and municipal appeals under 814.61(8m); garnishment, wage earner, and small claims actions under 814.62; or forfeiture actions under 814.63(1). -does not apply to a safety belt violation under 347.48(2m) Distribution of funds: 100% to state. 6/9 of monies to Wisc. Supreme Court for court automation; 2/9 to state Dept. of Administration for justice information systems; and 1/9 to state general fund.
Municipal Fee	814.63(2)	\$5	-upon disposition of a forfeiture action in circuit court for violation of a county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district ordinance, the above government unit shall pay a non-refundable \$5 fee -does not apply to a safety belt violation under 347.48(2m) Distribution of funds: 100% to clerk of circuit courts.
Natural Resource Assessment (NRAP)	29.987 169.46(1)	75% of fine or forfeiture	-if the court imposes a fine or forfeiture for violation of ch. 29 (wild animals and plants) or ch. 169 (captive wildlife), or related order the court shall impose this assessment Distribution of funds: 100% to state Dept. of Natural Resources Conservation Fund.

**APPENDIX B**

**Office of Court Operations, July 30, 2002**

**Court Fees, Assessments and Surcharges**

Natural Resource Restitution (NRRP)	29.989 169.46(2)	varies	-equal to the amount of the fee of the license or stamp that should have been paid -if the court imposes a natural resource assessment for violation of ch. 29, ch. 169, or a related order, the court shall impose this assessment also -do not treat this as restitution for purposes of the restitution surcharges Distribution of funds: 100% to state Dept. of Natural Resources Conservation Fund.
Penalty Assessment (PA)	757.05	24% of fine or forfeiture	-if the court imposes a fine or forfeiture for a violation of state law or municipal or county ordinances, it shall impose a penalty assessment -does not apply to smoking under ch. 101.123(2)(a), (am)1, or (bm), (br), or (5); a non-moving traffic violation; or a safety belt use violation under ch. 347.48(2m) Distribution of funds: 100% to state Dept. of Justice for law enforcement training and related services.
Railroad Crossing Improvement Assessment	346.495	50% of forfeiture	-if the court imposes a forfeiture under 346.49(1g), (2m)(a), (am), or (b), for a violation of 346.44, 346.45, or 346.46(3) the court shall impose a railroad crossing improvement assessment Distribution of funds: 100% to state Dept. of Transportation to fund railroad crossing protection installation and maintenance.
Restitution Administrative Cost (RAC)	973.06(1)(g)	10% of any restitution ordered	-if the court orders restitution under 973.20(11)(a), the court shall impose as costs an amount equal to 10% of the restitution ordered Distribution of funds: 100% to county treasurer.
Restitution Administrative Surcharge (RSCT)	973.20(11)(a)	5% of total fines, costs, etc.	-if the defendant is not placed on probation or sentenced to prison, the court may order that restitution be paid to the clerk of circuit court for transfer to the appropriate person -if the defendant is placed on probation, the defendant shall deliver the restitution to Dept. of Corrections for transfer to the appropriate person -the court shall require the defendant to pay a surcharge equal to 5% of the total amount of restitution, costs, attorney fees and any fines and related payments ordered to either Dept. of Corrections or the clerk of circuit court -the complete name and address of the party to be paid should be provided Distribution of funds: 100% to Dept. of Corrections or clerk of circuit courts for administrative expenses.
Sheriff's Fee (WF)	973.06(1)(a) & 814.70	varies	-the necessary disbursements and fees of officers allowed by law and incurred in connection with the arrest, preliminary examination and trial of the defendant -use amount on the bench warrant or order to produce; if none don't assess Distribution of funds: 100% to county sheriff's dept.
Snowmobile Registration Restitution Payments (SNOW)	350.115	varies	-amount equal to the amount of the required fee that should have been paid -do not treat this as restitution for purposes of the restitution surcharges Distribution of funds: 100% to state Dept. of Natural Resources Conservation Fund.

Office of Court Operations, July 30, 2002

APPENDIX B  
Court Fees, Assessments and Surcharges

Special Prosecution Clerks Fee (MSPF)	814.635(1m)	\$2	-Milwaukee only -applies whenever the Justice Information Fee is assessed Distribution of funds: 100% to state treasurer to reimburse Milwaukee County district attorney expenses under 20.475(1)(i)
Truck Driver Education Assessment	349.04(1)	\$8	-if the court imposes a fine or forfeiture for a violation of ch. 346-348 or a rule issued under ch. 346-48 and the violation involved a commercial motor vehicle, the court shall impose a truck driver education assessment of \$8. Not effective until Director of State Courts receives notification from Director of Technical College System. Distribution of funds: 100% to fund truck driver training grants.
Uninsured Employers Penalties (UNEMP)	102.85(4)(a)	75% of fine or forfeiture	-when an employer fails to comply with ch. 102.16(3) or 102.28(2) (worker's compensation) and if the court imposes a fine or forfeiture, it shall impose this penalty Distribution of funds: 100% to the state Uninsured Employers Fund.
Victim/Witness Surcharge (VWA) (VWAB)	973.045(1)	Misd. \$50 Felony \$70 per offense	-if the court imposes a sentence or places a person on probation, the court shall impose the crime victim and witness assistance surcharge for each offense or count -surcharge applies even if no fine or forfeiture is imposed Distribution of funds: 100% to state Dept. of Justice to fund payments to victims, victim and witness services, and grants for sexual assault victim services.
Wild Animal Protection Assessment (WLDAN)	29.983(1)(a)	varies by animal	-if the court imposes a fine or forfeiture under this chapter or order for unlawful killing, wounding, catching, taking, trapping or possession of a wild animal specified in par(b), the court may impose this assessment -assessment is imposed per animal see 29.983(b) for detail Distribution of funds: 100% to state Dept. of Natural Resources Conservation Fund.
WIC (Women, Infants & Children) Enforcement Assessment	253.06(4)(c)	50% of fine or forfeiture	-if a court imposes a fine, forfeiture or recoupment for a violation of this subsection, the court shall impose this assessment Distribution of funds: 100% to state Dept. of Health and Family Services for the administration of the supplemental food program for women, infants and children.
Weapons Assessment (WA)	167.31(5)(a)	75% of fine or forfeiture	-if the court imposes a fine or forfeiture for a violation of this section, the court shall impose a weapons assessment Distribution of funds: 100% to state Dept. of Natural Resources Conservation Fund for law enforcement operations.

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Tech Draft

consolidation/recty for  
fines, fees, assessments, etc  
Dfs all of these in ch 814.  
Pierced correctly.

Does not A any of the  
fees etc...

Dir of state courts would be  
required to prepare the FE  
for any change in the future.

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Vost # is difficult for all to  
keep track of what gets  
added to tickets. From attorneys  
to clerk of courts.

Simplify adds to put all  
surcharges in one section,  
newly created ch 814.

Not eliminating any surcharges

Treasurer also to provide annual  
report on \$ taken in from  
surcharges.

Req Dir of St Cts to  
provide a FE for any new  
legisl with surcharge. FE  
would include impact on other surcharges.