



**ASSEMBLY AMENDMENT 2,  
TO 2003 ASSEMBLY BILL 724**

February 9, 2004 – Offered by Representative MUSSER.

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

2           **1.** Page 5, line 19: after that line insert:

3           “**SECTION 4g.** 165.755 (1) (b) of the statutes, as affected by 2003 Wisconsin Acts  
4           30 and .... (Assembly Bill 421), is amended to read:

5           165.755 (1) (b) A court may not impose the crime laboratories and drug law  
6           enforcement surcharge under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar),  
7           (bm), or (br) or (5) (b), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63  
8           (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood  
9           alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation,  
10          or for a violation of a state law or municipal or county ordinance involving a  
11          nonmoving traffic violation, a seating violation under s. 347.482, or a safety belt or  
12          restraint use violation under s. 347.48 (2m) or (4).

1           **SECTION 4r.** 302.46 (1) (a) of the statutes, as affected by 2003 Wisconsin Acts  
2 30 and .... (Assembly Bill 421), is amended to read:

3           302.46 (1) (a) ~~On or after October 1, 1987, if~~ If a court imposes a fine or  
4 forfeiture for a violation of state law or for a violation of a municipal or county  
5 ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5),  
6 or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101  
7 (1) (b), if the person who committed the violation had a blood alcohol concentration  
8 of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of state  
9 laws or municipal or county ordinances involving nonmoving traffic violations,  
10 seating violations under s. 347.482, or safety belt or restraint use violations under  
11 s. 347.48 (2m) or (4), the court, in addition, shall impose a jail surcharge under ch.  
12 814 in an amount of 1% of the fine or forfeiture imposed or \$10, whichever is greater.  
13 If multiple offenses are involved, the court shall determine the jail surcharge on the  
14 basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part,  
15 the court shall reduce the jail surcharge in proportion to the suspension.”.

16           **2.** Page 11, line 14: after that line insert:

17           **“SECTION 21c.** 757.05 (1) (a) of the statutes, as affected by 2003 Wisconsin Acts  
18 30 and .... (Assembly Bill 421), is amended to read:

19           757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of  
20 state law or for a violation of a municipal or county ordinance except for a violation  
21 of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5), or for a first violation of s. 23.33  
22 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who  
23 committed the violation had a blood alcohol concentration of 0.08 or more but less  
24 than 0.1 at the time of the violation, or for a violation of state laws or municipal or

1 county ordinances involving nonmoving traffic violations, seating violations under  
2 s. 347.482, or safety belt or restraint use violations under s. 347.48 (2m) or (4), there  
3 shall be imposed in addition a penalty surcharge under ch. 814 in an amount of 24%  
4 of the fine or forfeiture imposed. If multiple offenses are involved, the penalty  
5 surcharge shall be based upon the total fine or forfeiture for all offenses. When a fine  
6 or forfeiture is suspended in whole or in part, the penalty surcharge shall be reduced  
7 in proportion to the suspension.

8 **SECTION 21f.** 814.63 (1) (c) of the statutes, as affected by 2003 Wisconsin Act  
9 30, is amended to read:

10 814.63 (1) (c) This subsection does not apply to an action for a violation of s.  
11 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5), for a first violation of s. 23.33 (4c) (a)  
12 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the  
13 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the  
14 time of the violation, or for a violation of a safety belt or restraint use violation under  
15 s. 347.48 (2m) or (4) or a seating violation under s. 347.482.

16 **SECTION 21i.** 814.63 (2) of the statutes, as affected by 2003 Wisconsin Act 30,  
17 is amended to read:

18 814.63 (2) Upon the disposition of a forfeiture action in circuit court for  
19 violation of a county, town, city, village, town sanitary district or public inland lake  
20 protection and rehabilitation district ordinance, except for an action for a first  
21 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the  
22 person who committed the violation had a blood alcohol concentration of 0.08 or more  
23 but less than 0.1 at the time of the violation, or for a safety belt or restraint use  
24 violation under s. 347.48 (2m) or (4) or a seating violation under s. 347.482, the

1 county, town, city, village, town sanitary district or public inland lake protection and  
2 rehabilitation district shall pay a nonrefundable fee of \$5 to the clerk of circuit court.

3 **SECTION 21L.** 814.65 (1) of the statutes, as affected by 2003 Wisconsin Act 30,  
4 is amended to read:

5 814.65 (1) COURT COSTS. In a municipal court action, except for an action for  
6 a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1)  
7 (b), if the person who committed the violation had a blood alcohol concentration of  
8 0.08 or more but less than 0.1 at the time of the violation, or for a violation of an  
9 ordinance in conformity with s. 347.48 (2m) or (4) or 347.482, the municipal judge  
10 shall collect a fee of not less than \$15 nor more than \$23 on each separate matter,  
11 whether it is on default of appearance, a plea of guilty or no contest, on issuance of  
12 a warrant or summons, or the action is tried as a contested matter. Of each fee  
13 received by the judge under this subsection, the municipal treasurer shall pay  
14 monthly \$5 to the state treasurer for deposit in the general fund and shall retain the  
15 balance for the use of the municipality.

16 **SECTION 21s.** 814.85 (1) (a) of the statutes, as affected by 2003 Wisconsin Acts  
17 30, 33 and .... (Assembly Bill 421), is amended to read:

18 814.85 (1) (a) Except for an action for a first violation of s. 23.33 (4c) (a) 2.,  
19 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the  
20 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the  
21 time of the violation, or for a safety belt or restraint use violation under s. 347.48 (2m)  
22 or (4) or a seating violation under s. 347.482, the clerk of circuit court shall charge  
23 and collect a \$68 court support services surcharge from any person, including any  
24 governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a),  
25 (3), or (8) (am) or 814.63 (1).

