



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa0547/2
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**ASSEMBLY AMENDMENT 1,
TO 2003 ASSEMBLY BILL 88**

May 29, 2003 - Offered by Representatives VAN ROY, AINSWORTH and VRUWINK.

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

2 **1.** Page 3, line 22: after that line insert:

3 **"SECTION 8g.** 165.755 (1) (b) of the statutes is amended to read:

4 165.755 (1) (b) A court may not impose the crime laboratories and drug law
5 enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1.,
6 (ar), (bm), or (br) or (5) (b), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1.,
7 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood
8 alcohol concentration between 0.08 and 0.099 at the time of the violation, or for a
9 violation of a state law or municipal or county ordinance involving a nonmoving
10 traffic violation or a safety belt use violation under s. 347.48 (2m).

11 **SECTION 8r.** 302.46 (1) (a) of the statutes is amended to read:

12 302.46 (1) (a) On or after October 1, 1987, if a court imposes a fine or forfeiture
13 for a violation of state law or for a violation of a municipal or county ordinance except

1 for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5), or for a first
2 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the
3 person who committed the violation had a blood alcohol concentration between 0.08
4 and 0.099 at the time of the violation, or for a violation of state laws or municipal or
5 county ordinances involving nonmoving traffic violations or safety belt use violations
6 under s. 347.48 (2m), the court, in addition, shall impose a jail assessment in an
7 amount of 1% of the fine or forfeiture imposed or \$10, whichever is greater. If
8 multiple offenses are involved, the court shall determine the jail assessment on the
9 basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part,
10 the court shall reduce the jail assessment in proportion to the suspension.”.

11 **2.** Page 4, line 4: after that line insert:

12 “**SECTION 10m.** 343.23 (2) (b) of the statutes is amended to read:

13 343.23 (2) (b) The information specified in par. (a) must be filed by the
14 department so that the complete operator’s record is available for the use of the
15 secretary in determining whether operating privileges of such person shall be
16 suspended, revoked, canceled, or withheld in the interest of public safety. The record
17 of suspensions, revocations, and convictions that would be counted under s. 343.307
18 (2) shall be maintained permanently, except that the department shall purge the
19 record of a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or
20 350.101 (1) (b) after 10 years, if the person who committed the violation had a blood
21 alcohol concentration between 0.08 and 0.099 at the time of the violation, if the
22 person does not have a commercial driver license, and if the person has no other
23 suspension, revocation, or conviction that would be counted under s. 343.307 during
24 that 10-year period. The record of convictions for disqualifying offenses under s.

1 343.315 (2) (h) shall be maintained for at least 10 years. The record of convictions
2 for disqualifying offenses under s. 343.315 (2) (f) and (j) shall be maintained for at
3 least 3 years. The record of convictions for disqualifying offenses under s. 343.315
4 (2) (a) to (e) shall be maintained permanently, except that 5 years after a licensee
5 transfers residency to another state such record may be transferred to another state
6 of licensure of the licensee if that state accepts responsibility for maintaining a
7 permanent record of convictions for disqualifying offenses. Such reports and records
8 may be cumulative beyond the period for which a license is granted, but the secretary,
9 in exercising the power of suspension granted under s. 343.32 (2) may consider only
10 those reports and records entered during the 4-year period immediately preceding
11 the exercise of such power of suspension.”.

12 **3.** Page 5, line 18: after that line insert:

13 “**SECTION 18c.** 757.05 (1) (a) of the statutes is amended to read:

14 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of
15 state law or for a violation of a municipal or county ordinance except for a violation
16 of s. 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5), or for a first violation of s. 23.33
17 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who
18 committed the violation had a blood alcohol concentration between 0.08 and 0.099
19 at the time of the violation, or for a violation of state laws or municipal or county
20 ordinances involving nonmoving traffic violations or safety belt use violations under
21 s. 347.48 (2m), there shall be imposed in addition a penalty assessment in an amount
22 of 24% of the fine or forfeiture imposed. If multiple offenses are involved, the penalty
23 assessment shall be based upon the total fine or forfeiture for all offenses. When a

1 fine or forfeiture is suspended in whole or in part, the penalty assessment shall be
2 reduced in proportion to the suspension.

3 **SECTION 18g.** 814.63 (1) (c) of the statutes is amended to read:

4 814.63 (1) (c) This subsection does not apply to an action for a violation of s.
5 101.123 (2) (a), (am) 1., (ar), (bm), or (br) or (5), for a first violation of s. 23.33 (4c) (a)
6 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the
7 violation had a blood alcohol concentration between 0.08 and 0.099 at the time of the
8 violation, or for a violation of a safety belt use violation under s. 347.48 (2m).

9 **SECTION 18L.** 814.63 (2) of the statutes is amended to read:

10 814.63 (2) Upon the disposition of a forfeiture action in circuit court for
11 violation of a county, town, city, village, town sanitary district or public inland lake
12 protection and rehabilitation district ordinance, except for an action for a first
13 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the
14 person who committed the violation had a blood alcohol concentration between 0.08
15 and 0.099 at the time of the violation, or for a safety belt use violation under s. 347.48
16 (2m), the county, town, city, village, town sanitary district or public inland lake
17 protection and rehabilitation district shall pay a nonrefundable fee of \$5 to the clerk
18 of circuit court.

19 **SECTION 18p.** 814.634 (1) (a) of the statutes is amended to read:

20 814.634 (1) (a) Except for an action for a first violation of s. 23.33 (4c) (a) 2.,
21 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the
22 violation had a blood alcohol concentration between 0.08 and 0.099 at the time of the
23 violation, or for a safety belt use violation under s. 347.48 (2m), the clerk of circuit
24 court shall charge and collect a \$52 court support services fee from any person,

1 including any governmental unit as defined in s. 108.02 (17), paying a fee under s.
2 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

3 **SECTION 18t.** 814.635 (1) of the statutes is amended to read:

4 814.635 (1) Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681
5 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation
6 had a blood alcohol concentration between 0.08 and 0.099 at the time of the violation,
7 or for a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall
8 charge and collect a \$9 justice information system fee from any person, including any
9 governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a),
10 (3) or (8) (am), 814.62 (1), (2) or (3) (a) or (b) or 814.63 (1). The justice information
11 system fee is in addition to the other fees listed in this section.

12 **SECTION 18x.** 814.65 (1) of the statutes is amended to read:

13 814.65 (1) COURT COSTS. In a municipal court action, except for an action for
14 a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1)
15 (b), if the person who committed the violation had a blood alcohol concentration
16 between 0.08 and 0.099 at the time of the violation, or for a violation of an ordinance
17 in conformity with s. 347.48 (2m), the municipal judge shall collect a fee of not less
18 than \$15 nor more than \$23 on each separate matter, whether it is on default of
19 appearance, a plea of guilty or no contest, on issuance of a warrant or summons or
20 the action is tried as a contested matter. Of each fee received by the judge under this
21 subsection, the municipal treasurer shall pay monthly \$5 to the state treasurer for
22 deposit in the general fund and shall retain the balance for the use of the
23 municipality.”.

24 (END)