



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa2150/1
PJH:sac:jf

**SENATE AMENDMENT 2,
TO ASSEMBLY BILL 668**

March 18, 2014 – Offered by Senator CARPENTER.

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

2 **1.** Page 1, line 3: after “incarceration” insert “, requiring certain defendants
3 to appear in court,”.

4 **2.** Page 2, line 1: before that line insert:

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

7 66.0114 (1) (b) 1. Local ordinances, except as provided in ~~this paragraph~~ or ss.
8 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any
9 or all violations under those ordinances, may designate the manner in which the
10 stipulation is to be made, and may fix the penalty to be paid. ~~When~~ Except as
11 provided in subd. 2., when a person charged with a violation for which stipulation
12 of guilt or no contest is authorized makes a timely stipulation and pays the required
13 penalty, plus costs, fees, and surcharges imposed under ch. 814, to the designated

1 official, the person need not appear in court and no witness fees or other additional
2 costs, fees, or surcharges may be imposed under ch. 814 unless the local ordinance
3 so provides. ~~A court appearance is required for a violation of a local ordinance in~~
4 ~~conformity with s. 346.63 (1).~~

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

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

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

11 66.0114 (1) (b) 3. If a person who is required under subd. 2. to appear, in person,
12 in court to enter a plea fails to appear in court, the court shall do all of the following:

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

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

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

21 **3.** Page 2, line 1: delete “**SECTION 1**” and substitute “**SECTION 1R**”.

22 **4.** Page 2, line 17: after that line insert:

23 “**SECTION 2d.** 345.26 (1) (b) 3. of the statutes is created to read:

1 345.26 (1) (b) 3. Subdivision 1. does not apply to a person who is charged with
2 a violation of s. 346.63 (1) or (5) or a local ordinance in conformity therewith and who
3 is required to appear in person pursuant to s. 66.0114 (1) (b) 2., 800.035 (5) (a), or
4 967.055 (2m).

5 **SECTION 2g.** 800.035 (5) (a) of the statutes is amended to read:

6 800.035 (5) (a) If a defendant is charged with a violation of an ordinance in
7 conformity with s. 346.63 (1) or (5), the municipality ~~may~~ shall, by ordinance, require
8 the defendant to appear in person before the court. The ordinance shall specify that
9 a person who fails to appear in person before the court is subject to arrest and to a
10 \$300 surcharge pursuant to par. (am).

11 **SECTION 2m.** 800.035 (5) (am) of the statutes is created to read:

12 800.035 (5) (am) If a person who is required under par. (a) to appear in person
13 before the court to enter a plea fails to appear in court, the court shall do all of the
14 following:

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

18 2. Issue a warrant for the person's arrest so that the person may appear before
19 the court in order for the court to impose a forfeiture for the violation.

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

23 **SECTION 2r.** 967.055 (2m) of the statutes is created to read:

24 967.055 (2m) **PERSONAL APPEARANCE IN COURT.** (a) A person who is charged with
25 a civil violation of s. 346.63 (1) or (5) or a local ordinance in conformity therewith shall

1 appear in person in court to enter a plea of guilty, no contest, or not guilty to the
2 charge. A person who fails to appear in person in court is subject to arrest and to a
3 \$300 surcharge pursuant to par. (b). In this subsection, “court” may mean a circuit
4 court or a municipal court.

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

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

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

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

15 **5.** Page 3, line 4: after that line insert:

16 **“SECTION 3m. Initial applicability.**

17 (1) The treatment of sections 345.26 (1) (b) 3., 800.035 (5) (a) and (am), and
18 967.055 (2m), the renumbering and amendment of section 66.0114 (1) (b), and the
19 creation of section 66.0114 (1) (b) 2. and 3. first apply to violations that occur on the
20 effective date of this subsection.”.

21 **(END)**