



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBs0149/1  
PJH:amn

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 352**

October 27, 2015 – Offered by Representative J. OTT.

1 **AN ACT** *to renumber and amend* 66.0114 (1) (b); *to amend* 800.035 (5) (a); and  
2 *to create* 66.0114 (1) (b) 2., 66.0114 (1) (b) 3., 345.26 (1) (b) 3., 800.035 (5) (am)  
3 and 967.055 (2m) of the statutes; **relating to:** requiring persons accused of  
4 violating traffic laws and ordinances related to driving while intoxicated to  
5 appear in person in court.

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

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

8 66.0114 (1) (b) 1. Local ordinances, except as provided in this paragraph or ss.  
9 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any  
10 or all violations under those ordinances, may designate the manner in which the  
11 stipulation is to be made, and may fix the penalty to be paid. ~~When~~ Except as

1 provided in subd. 2., when a person charged with a violation for which stipulation  
2 of guilt or no contest is authorized makes a timely stipulation and pays the required  
3 penalty, plus costs, fees, and surcharges imposed under ch. 814, to the designated  
4 official, the person need not appear in court and no witness fees or other additional  
5 costs, fees, or surcharges may be imposed under ch. 814 unless the local ordinance  
6 so provides. ~~A court appearance is required for a violation of a local ordinance in~~  
7 ~~conformity with s. 346.63 (1).~~

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

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

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

14 66.0114 (1) (b) 3. If a person who is required under subd. 2. to appear, in person,  
15 in court to enter a plea fails to appear in court, the court shall do all of the following:

16 a. Enter a default judgment against the person and impose the applicable  
17 penalties.

18 b. Impose a \$300 surcharge on the person for his or her failure to appear.

19 **SECTION 4.** 345.26 (1) (b) 3. of the statutes is created to read:

20 345.26 (1) (b) 3. Subdivision 1. does not apply to a person who is charged with  
21 a violation of s. 346.63 (1) or (5) or a local ordinance in conformity therewith and who  
22 is required to appear in person pursuant to s. 66.0114 (1) (b) 2., 800.035 (5) (a), or  
23 967.055 (2m).

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

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

6           **SECTION 6.** 800.035 (5) (am) of the statutes is created to read:

7           800.035 (5) (am) If a person who is required under par. (a) to appear in person  
8 before the court to enter a plea fails to appear in court, the court shall do all of the  
9 following:

10           1. Enter a default judgment against the person and impose the applicable  
11 penalties.

12           2. Impose a \$300 surcharge on the person for his or her failure to appear.

13           **SECTION 7.** 967.055 (2m) of the statutes is created to read:

14           967.055 (2m) **PERSONAL APPEARANCE IN COURT.** (a) A person who is charged with  
15 a civil violation of s. 346.63 (1) or (5) or a local ordinance in conformity therewith shall  
16 appear in person in court to enter a plea of guilty, no contest, or not guilty to the  
17 charge. A person who fails to appear in person in court is subject to a \$300 surcharge  
18 pursuant to par. (b). In this subsection, “court” may mean a circuit court or a  
19 municipal court.

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

22           1. Enter a default judgment against the person and impose the applicable  
23 penalties.

24           2. Impose a \$300 surcharge on the person for his or her failure to appear.

25           **SECTION 8. Initial applicability.**

