



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 462
[2005 Senate Bill 145]

**Deferred Prosecution of a
Worthless Check Violation**

2005 Wisconsin Act 462 authorizes a district attorney to create a worthless check deferred prosecution program for offenders who agree to participate in the program as an alternative to prosecution. The district attorney may establish criteria for determining an offender's eligibility for the program.

The deferred prosecution agreement may require an offender to do any of the following:

1. Pay money owed for the worthless check or other order to the district attorney for remittance to the recipient of the worthless check or order.
2. Make other payments for restitution for the offense, including payments to reimburse any person for fees assessed by a financial institution in connection with the person attempting to present the worthless check or other order.
3. Pay specified administrative fees.
4. Pay for and successfully complete a class or counseling regarding financial management.

Upon entering a deferred prosecution agreement, the district attorney must agree not to prosecute the worthless check offenses while the agreement remains in effect or afterward if the offender successfully completes the deferred compensation program.

Under Act 462, a district attorney who establishes a deferred prosecution agreement may contract with a private entity to operate or administer all or part of the program under the supervision, direction, and control of the district attorney. A district attorney may cancel a contract entered into with a private entity if the private entity engages in any of a number of specified abusive practices or actions.

A district attorney or a private entity may charge a defendant who is a party to a deferred prosecution agreement a fee to cover costs under the agreement. The district attorney, or the district

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

attorney and the private entity, may establish guidelines on when fees may be waived for an offender due to hardship and may authorize extended payment plans of not more than six months in length.

Effective Date: The Act takes effect on June 10, 2006.

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RS:jal