

1 **AN ACT** *to amend* 800.09 (1) (intro.) of the statutes; **relating to:** municipal court
 2 judgment.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council’s special committee on strengthening Wisconsin families.

Under s. 800.09 (1), stats., if a municipal court finds a defendant guilty, it may render judgment by ordering restitution and payment of a forfeiture, plus costs, fees, and surcharges. If the initial judgment is not paid, the municipal court may proceed under s. 800.09 (1) (a), (b), and (c), stats., or any combination of those paragraphs. Section 800.09 (1) (a), stats., allows a municipal court to defer payment of any judgment or provide for installment payments. Section 800.09 (1) (b), stats., allows a municipal court, under certain conditions, to order a defendant to perform community service work in lieu of making restitution or paying the forfeiture, assessments, and costs, or both. Section 800.09 (1) (c), stats., allows a municipal court to suspend the defendant’s driving privilege.

WLC: 0144/1 allows a municipal court, under certain conditions, to order a defendant to perform community service work as an initial judgment. Under WLC: 0144/1, a municipal court retains the ability to proceed under s. 800.09 (1) (a), (b), and (c), stats., or any combination of those paragraphs, when a defendant does not pay the court’s initial judgment that orders restitution, forfeiture, costs, fees, or surcharges.

3 **SECTION 1.** 800.09 (1) (intro.) of the statutes is amended to read:
 4 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty, it may
 5 render judgment by ordering restitution under s. 800.093 and payment of a forfeiture, plus
 6 costs, fees, and surcharges imposed under ch. 814 except that community service work for a
 7 public agency or a nonprofit charitable organization that is designated by the court may be
 8 ordered in lieu of any combination of restitution, forfeiture, costs, fees, or surcharges.

1 Community service work may be ordered in lieu of restitution only if also agreed to by the
2 public agency or nonprofit charitable organization and by the person to whom restitution is
3 owed. The court may utilize any available resources, including any community service work
4 program, in ordering the defendant to perform community service work. The number of hours
5 of community service work required may not exceed the number determined by dividing the
6 amount owed on the forfeiture by the minimum wage established under ch. 104 for adults in
7 nonagriculture, nontipped employment. The court shall ensure that the defendant is provided
8 a written statement of the terms of the community service order and that the community
9 service order is monitored. The court shall apply any payment received on a judgment that
10 includes restitution to first satisfy any payment of restitution ordered, then to pay the
11 forfeiture, costs, fees, and surcharges. If the judgment is restitution, forfeiture, costs, fees, or
12 surcharges are not paid, the court may proceed under par. (a), (b), or (c) or any combination
13 of those paragraphs, as follows:

14 (END)