

Addendum to Attachment

Section 29.341 (2), Stats. (Failure to follow lawful procedures and duties following an accidental shooting while hunting):

Applying the Subcommittee's preliminary classification guidelines would eliminate a distinction the current penalty structure makes between intentional and negligent violations. Using these guidelines, both intentional and negligent violations would be Class A misdemeanors.

Section 29.971 (7), Stats. (Hunting with the aid of an aircraft):

Under current law, second and subsequent offenses carry a higher fine than first offenses. Applying the Subcommittee's preliminary classification guidelines would eliminate the difference between the penalties for first and second and subsequent offenses.

Section 50.03 (1), Stats. (Unlicensed operation of a community-based residential facility or nursing home).

This offense could be classified using the Subcommittee's guidelines, but doing so would eliminate per day fines

Section 66.0413 (1) (br) 2., Stats. (Renting, leasing, or occupying a building which has been condemned for human habitation, occupancy or use):

Both the amount of the fine and the amount of jail time provided by this statute are based on the number of weeks the violation occurred.

Section 101.16 (5) (cm), Stats. (Intentional violation by a retail supplier of liquefied petroleum gas of licensing and financial responsibility requirements):

Under current law, second and subsequent offenses carry a higher fine than first offenses. Applying the Subcommittee's classification guidelines would eliminate this difference.

Section 101.16 (5) (cn), Stats. (Intentional violation by a retail supplier of liquefied petroleum gas of licensing and financial responsibility requirements):

The comment above for s. 101.16 (5) (cm), Stats., applies to this statute as well.

Section 103.82 (1) (a), Stats. (Repeat offenses of employing a minor for certain jobs):

This offense could be classified using the Subcommittee's guidelines, but doing so would eliminate per day fines

Section 139.03 (5) (c), Stats. (Entering the state in unlawful possession of intoxicating liquor or wine):

Current law applies different penalties for a first offense violation and second and subsequent violations. Using the Subcommittee's classification guidelines, both first and second and subsequent violations would be placed within Class B.

Section 283.91 (3), Stats. (Various violations relating to pollution discharge):

This offense could be classified using the Subcommittee's guidelines, but doing so would eliminate significant per day fines, which appear to be the statute's primary enforcement mechanism.

Section 285.87 (2) (a), Stats. (Various violations relating to pollution discharge):

This offense could also be classified, but as with the offense above, doing so would eliminate significant per day fines.

Section 346.65 (4), Stats. (Employment of drunken operators):

The Subcommittee directed that penalties for OWI offenses not be changed. Employment of drunken operators is not an OWI offense, but it is related to OWI offenses.

Section 449.11, Stats. (Various violations relating to the Optometry Examining Board):

Current law applies different penalties for a first offense violation and second and subsequent violations. Using the Subcommittee's classification guidelines, both first and second and subsequent violations would be placed within Class B.

Section 973.07, Stats. (Failure to pay a fine, fees, surcharges, or costs or to comply with certain community service work):

This statute authorizes a court to commit a person to jail for a period not to exceed six months if the person has not paid a fine, costs, fees, and surcharges imposed under ch. 814 or has not performed community service work as required by the sentence. Since this statute functions as an enforcement mechanism for the payment of fines imposed under other statutes, it may not be an ideal candidate for classification.