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## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

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Memo No. 4

TO: MEMBERS OF THE SUBCOMMITTEE ON PENALTY ALIGNMENT AND  
ORGANIZATION OF THE STUDY COMMITTEE ON THE REVIEW OF  
CRIMINAL PENALTIES

FROM:  David Moore and  Michael Queensland, Staff Attorneys

RE: List of Fine-Only Misdemeanors

DATE: October 24, 2014

At the Subcommittee's August 6, 2014 meeting, the Subcommittee recommended that the majority of misdemeanors that are currently unclassified be classified. The Subcommittee adopted a two-step process to develop a proposal for classification: first, Legislative Council staff would assign each unclassified misdemeanor to a class according to principles the Subcommittee developed at the August 6 meeting; next, the Subcommittee would review these preliminary classifications and make any adjustments it deemed necessary. The Subcommittee's principles for classifying misdemeanors directed that offenses be classified based on the amount of jail time prescribed under current law. With respect to the misdemeanors that are currently punished only by a fine, the Subcommittee directed that these misdemeanors not be included in the preliminary classification step of the process it adopted.

At the Subcommittee's October 17, 2014 meeting, the Subcommittee reviewed the preliminary classifications--which were distributed to the Subcommittee with Memo No. 2--and adjusted them as it deemed necessary. The Subcommittee also revisited the topic of misdemeanors that are currently punished only by a fine. The Subcommittee recommended that offenses that the Legislature has chosen not to punish with a term of imprisonment should, in most cases, be civil forfeitures. The Subcommittee instructed staff to provide the Subcommittee with a list of fine-only misdemeanors for the Subcommittee members' review, and decided that the Subcommittee would recommend that each misdemeanor on the list become a civil forfeiture **with the exception of any offense a Subcommittee member identifies as one that should remain a misdemeanor.**

The list of fine-only misdemeanors the Subcommittee requested is attached to this Memo. Please review this list and submit any recommendations to committee staff by October 31, 2014.

DM:MQ:ksm  
Attachment