

State of Wisconsin



2013 Senate Bill 275

Date of enactment: **December 13, 2013**
Date of publication*: **December 14, 2013**

2013 WISCONSIN ACT 107

AN ACT *to repeal* 19.01 (4) (c) 3. and 59.40 (2) (L); *to amend* 19.01 (4) (c) 4., 800.02 (2) (a), 814.08 (1) and 814.65 (5); and *to create* 800.08 (5) of the statutes; **relating to:** the role of the clerk of a circuit court in filing the oath and bond of a municipal judge; signatures on citations or complaints alleging a violation of a municipal ordinance; the fee for a transcript of an electronic recording of municipal court proceedings; and the authority of a municipal court judge to order a default judgment against a defendant who fails to appear at trial.

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

SECTION 1. 19.01 (4) (c) 3. of the statutes is repealed.

SECTION 2. 19.01 (4) (c) 4. of the statutes is amended to read:

19.01 (4) (c) 4. All judges ~~or other than municipal judges, and all~~ judicial officers, ~~not included in subds. 1. and 3. other than judicial officers under subd. 1.~~, elected or appointed for that county, or whose jurisdiction is limited to that county.

SECTION 3. 59.40 (2) (L) of the statutes is repealed.

SECTION 4. 800.02 (2) (a) of the statutes is amended to read:

800.02 (2) (a) The citation or complaint shall be ~~signed by~~ contain the name of a law enforcement officer, attorney representing the municipality, or, if applicable, a conservation warden. In addition, the governing body of a municipality authorized to adopt the use of citations ~~or complaints~~ may designate by ordinance or resolution other municipal officials who ~~may sign and are authorized to issue and be named in~~ citations ~~or complaints~~ with respect to ordinances which are directly related to the official responsibilities of the officials. Officials granted the authority to ~~sign and issue and be named in~~

citations ~~and complaints~~ may delegate, with the approval of the governing body, the authority to employees. Authority delegated to an official or employee may be revoked only in the same manner by which it is conferred.

SECTION 5. 800.08 (5) of the statutes is created to read:

800.08 (5) If a defendant does not appear at trial, the court may enter a default judgment under s. 800.09.

SECTION 6. 814.08 (1) of the statutes is amended to read:

814.08 (1) In actions appealed from municipal court, where there is no new trial, if the judgment is affirmed or the appeal dismissed the respondent shall have costs; if reversed, the appellant; if affirmed in part and reversed in part, the court may award the costs or such part thereof as is just to either party. ~~In actions appealed by the defendant from municipal court, where there is no new trial, if the judgment finding the defendant guilty under s. 800.09 is affirmed, or if the defendant's appeal is dismissed, the defendant shall pay the full costs of the transcript prepared under s. 800.14 (5), minus the \$10 transcript payment under s. 814.65.~~ Where there is a new trial, costs shall be awarded to the successful party; but if the appeal is from a judgment in favor of the appellant he or she shall have costs only if he or she obtains a more favorable judg-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

ment, and otherwise the respondent shall have costs. In all those cases full costs shall be the applicable fee under s. 814.61 (8) and all disbursements made for return of the judge and officers' and witnesses' fees, together with all costs taxable in the municipal court in the action.

SECTION 7. 814.65 (5) of the statutes is amended to read:

814.65 (5) COSTS AND FEES ON APPEAL. On appeal from municipal court, the appellant shall pay the fee prescribed in s. 814.61 (8). ~~The appellant shall also pay a fee of \$10 for the transcript prepared under s. 800.14 (5).~~ Costs shall be as provided in s. 814.08.
