

1987 Wisconsin Act 181

AN ACT to renumber and amend 59.15 (1) (a); to amend 59.28, 59.33 (1), 60.351 (1), 61.28, 62.09 (13) (a), 814.65 (4) (b), 814.70 (intro.), 814.70 (1), 814.70 (2), 814.70 (3) (a), 814.70 (3) (b), 814.70 (4) (a), 814.70 (4) (b) and 814.71; and to create 59.15 (1) (a) 2 and 814.705 of the statutes, relating to compensation of sheriffs and fees of sheriffs, police, marshals and constables.

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

SECTION 1c. 59.15 (1) (a) of the statutes is renumbered 59.15 (1) (a) 1 and amended to read:

59.15 (1) (a) 1. The board shall, prior to the earliest time for filing nomination papers for any elective office to be voted on in the county (other than supervisors and circuit judges), which officer is paid in whole or part from the county treasury, establish the total annual compensation for services to be paid to the officer (exclusive of reimbursements for expenses out-of-pocket provided for in sub. (3)). The Except as provided in subd. 2, the annual compensation may be established by resolution or ordinance, on a basis of straight salary, fees, or part salary and part fees, and if the compensation established is a salary, or part salary and part fees, it shall be in lieu of all fees, including per diem and other forms of compensation for services rendered, except those specifically reserved to the officer in such the resolution or ordinance. The compensation established shall not be increased nor diminished during the officer's term and shall remain for ensuing terms unless changed by the board. Court fees shall not be used for compensation for county officers.

SECTION 1d. 59.15 (1) (a) 2 of the statutes is created to read:

59.15 (1) (a) 2. The board shall establish by resolution or ordinance the annual compensation of the sheriff as straight salary. No portion of that salary may include or be based on retention of fees by the sheriff. This subdivision does not prohibit the reimbursement of a sheriff for actual and necessary expenses.

SECTION 1e. 59.28 of the statutes is amended to read:

59.28 Sheriff; fees. The sheriff shall collect the fees prescribed in s. 814.70, unless a higher fee is applicable under s. 814.705 (1), and remit them to the county treasurer as provided in s. 59.15 (1) (b).

SECTION 1f. 59.33 (1) of the statutes is amended to read:

59.33 (1) Every sheriff, undersheriff and deputy sheriff, compensated for ~~his~~ services by fees or by part salary and part fees, may execute and return all writs, processes and orders in their hands at the expiration

of the sheriff's term of office and which ~~such sheriff~~, the undersheriff or deputy sheriff has, prior to that time, begun to execute by service, levy, advertisement or the collection of money thereon.

SECTION 1g. 60.351 (1) of the statutes is amended to read:

60.351 (1) Town constables shall collect the fees prescribed for sheriffs in s. 814.70 for similar services, unless a higher fee is applicable under s. 814.705 (4).

SECTION 1h. 61.28 of the statutes is amended to read:

61.28 Marshal. The village marshal shall execute and file an official bond. The marshal shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables. The marshal shall obey all lawful written orders of the village board; and arrest with or without process every person found in the village engaged in any disturbance of the peace or violating any law of the state or ordinance of the village. The marshal may command all persons present in that case to assist, and if any person, being so commanded, refuses or neglects to render assistance the person shall forfeit not exceeding \$10. The marshal is entitled to the same fees prescribed for sheriffs in s. 814.70 for similar services, unless a higher fee is applicable under s. 814.705 (3); for other service rendered the village, compensation as the board fixes.

SECTION 1i. 62.09 (13) (a) of the statutes is amended to read:

62.09 (13) (a) The chief of police shall have command of the police force of the city under the direction of the mayor. ~~It is the duty of the~~ The chief to shall obey all lawful written orders of the mayor or common council. The chief and each police officer shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables; shall arrest with or without process and with reasonable diligence take before the municipal judge or other proper court every person found in the city engaged in any disturbance of the peace or violating any law of the state or ordinance of ~~such the~~ city and may command all persons present in that case to assist, and if any person, being so com-

manded, refuses or neglects to render assistance the person shall forfeit not exceeding \$10. They shall collect the same fees prescribed for sheriffs in s. 814.70 for similar services, unless a higher fee is applicable under s. 814.705 (2).

SECTION 1j. 814.65 (4) (b) of the statutes is amended to read:

814.65 (4) (b) If service of process is accomplished by municipal personnel, the cost of the service prescribed under ss. 814.70 and 814.71, subject to any modification applicable under s. 814.705, is taxable regardless of whether a separate disbursement is made to specifically reimburse the municipal employe or agency.

SECTION 1m. 814.70 (intro.) of the statutes is amended to read:

814.70 Fees of sheriffs. (intro.) The sheriff shall collect the following fees under this section. The fees are set as follows, unless a higher fee is established under s. 814.705:

SECTION 1r. 814.70 (1) of the statutes is amended to read:

814.70 (1) SERVICE OF PROCESS. For each service or attempted service of a summons or any other process for commencement of an action, a writ, an order of injunction, a subpoena or any other order, ~~\$\$~~ \$12 for each defendant or person. If there is more than one defendant or person to be served at a given address, \$4 ~~\$6~~ for each additional defendant or person.

SECTION 2. 814.70 (2) of the statutes is amended to read:

814.70 (2) EXECUTION ON JUDGMENT. For serving an execution on a judgment demanding payment thereof or other writ not provided for, ~~\$\$~~ \$12.

SECTION 3. 814.70 (3) (a) of the statutes is amended to read:

814.70 (3) (a) In counties having a population of less than 500,000, ~~20~~ 25 cents for each mile actually and necessarily traveled.

SECTION 4. 814.70 (3) (b) of the statutes is amended to read:

814.70 (3) (b) In counties having a population of 500,000 or more, ~~\$2~~ \$4 for each party to be served in each action. Only one charge may be imposed if there

is more than one person to be served at a given address.

SECTION 5. 814.70 (4) (a) of the statutes is amended to read:

814.70 (4) (a) In counties having a population of less than 500,000, ~~20~~ 25 cents per mile.

SECTION 6. 814.70 (4) (b) of the statutes is amended to read:

814.70 (4) (b) In counties having a population of 500,000 or more, ~~\$2~~ \$4 for each person served within the county from which process issued, or ~~20~~ 25 cents per mile if served outside the county.

SECTION 6m. 814.705 of the statutes is created to read:

814.705 Governing body may establish higher fees. With respect to fees enumerated in s. 814.70 (1), (2), (3) (a) and (b) and (4) (a) and (b):

(1) A county board may establish a higher fee for collection by the sheriff.

(2) A city council may establish a higher fee for collection by the city constable and city police.

(3) A village board may establish a higher fee for collection by the village marshal and village constable.

(4) A town board may establish a higher fee for collection by the town constable.

SECTION 6r. 814.71 of the statutes is amended to read:

814.71 Fees of city police, constables and village marshals. City police, constables and village marshals shall collect the same fees as those prescribed for sheriffs in s. 814.70 for similar services subject to any modification applicable under s. 814.705.

SECTION 7. **Initial applicability.** The treatment of section 814.70 (1), (2), (3) (a) and (b) and (4) (a) and (b) of the statutes applies to services rendered or attempted or travel occurring on or after the effective date of this SECTION.

SECTION 8. **Effective dates.** This act takes effect on the day following publication, except as follows:

(1) The renumbering and amendment of section 59.15 (1) (a) of the statutes, the amendment of section 59.33 of the statutes and the creation of section 59.15 (1) (a) 2 of the statutes take effect on January 1, 1989.