

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: **06/22/99**

Received By: **nelsorp1**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Walter**

This file may be shown to any legislator: **NO**

Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Courts - civil procedure**

Extra Copies:

**Pre Topic:**

SDC:.....Walter - Caucus #3711

**Topic:**

Municipal court changes, allowing prosecutor to sign summons, allow hearings by telephone or audiovideo, allow service of summons by private servers

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	nelsorp1 06/22/99	wjackson 06/24/99	hhagen 06/26/99	_____	lrb_docadmin 06/26/99		

FE Sent For:

<END>

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1?	nelsorp1	1 Wlj 6/24		<i>[Handwritten initials]</i>			

*[Handwritten initials and date]*

FE Sent For:

<END>

yes

**Agency: Miscellaneous Motions**

SDC

caucus number 2111

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Adds conviction for solicitation to commit first degree intentional homicide as grounds for involuntary termination of parental rights. No fiscal effect. s. 48.415.

**other notes**

drafting instructions: See above and attached

more instructions:

caucus number 2789

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
FM 1348	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Delete FM 1348 which defines unnecessary hardship for the purposes of granting variance to local zoning ordinances where strict letter of the zoning restrictions would unreasonably prevent an owner from using property for the permitted purpose.

**other notes**

drafting instructions: Delete FM 1348

more instructions:

caucus number 2794

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
FM 1187	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Delete FM 1187 which provides \$100,000 SEG annually from the agricultural mgmt fund for grants to the WI Farm Bureau to use in the USDA Agriculture in the Classroom program and requires DATCP to release \$3 for every \$5 the Farm Bureau provides in matching

**other notes**

drafting instructions: Delete FM 1187

more instructions:

caucus number 3711

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Municipal Courts. Change state law to allow a prosecuting attorney to sign a summons. Circuit courts have this authority. Provide authority to conduct certain municipal hearings by telephone or audiovideo if defendant consents. No fiscal impact.

**other notes**

drafting instructions: See above and attached

more instructions:

Agency: Miscellaneous Motions

Number of Amendments: 4

**Municipal Court**  
New Proposals

CN 3711

Authority to Sign Summons

Change the state law to allow a prosecuting attorney to sign a summons. Circuit courts already have this authority.

No fiscal effect

Summons Servers

Repeal the requirement that a summons commencing an action to prosecute a municipal ordinance violation be served by a law enforcement officer or other municipal employee. This change would authorize the use of private servers to issue a summons. Circuit courts already have this authority.

No fiscal effect

Conducting Hearings

Provide authority to conduct certain municipal court hearings by telephone or by live audiovisual means if the defendant in the hearing consents. Circuit courts already have this authority.

No fiscal effect

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 **AN ACT** *to amend* 800.01 (2) (a) of the statutes; **relating to:** service of process  
2 in municipal court actions.

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***Analysis by the Legislative Reference Bureau***

Under current law a municipal court obtains jurisdiction over a defendant by serving a summons and complaint or citation on the defendant. Current law allows a municipal employe to personally serve the summons and complaint or citation and allows a law enforcement officer to serve the summons anywhere in the state by personal service, by mailing a copy of the documents to the defendant's last-known address or by leaving a copy of the summons at the defendant's usual place of abode. This bill expands the service options to allow a law enforcement officer to serve the summons outside, as well as within, the state and to permit any adult who is not a party to the action to personally serve the documents.

---

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

3 **SECTION 1.** 800.01 (2) (a) of the statutes is amended to read:  
4 800.01 (2) (a) Service under sub. (1) (a) shall be as provided in s. 968.04 (3) (b)  
5 2., except that the service may be made within or outside the state, or by personal  
6 service by a ~~municipal employe~~ an adult resident of the state where the service is  
7 made who is not a party to the action.

8 (END)

1 **AN ACT to amend** 800.02 (4) (a) (intro.) of the statutes; **relating to:** signing of  
2 a municipal court summons.

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***Analysis by the Legislative Reference Bureau***

Under current law, if a summons is issued in municipal court, rather than a citation, for an ordinance violation, the summons must be issued by the municipal court judge. This bill allows the municipal court judge or the attorney prosecuting the case in municipal court to sign the summons.

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

3 **SECTION 1.** 800.02 (4) (a) (intro.) of the statutes is amended to read:  
4 800.02 (4) (a) (intro.) The summons shall be signed by a municipal judge or by  
5 the attorney prosecuting the case in municipal court and shall contain the following  
6 information:

7 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0950/1  
RPN.../.....  
WLj

SDC:.....Walter - Caucus #3711 Municipal court changes, allowing prosecutor to sign summons, allow hearings by telephone or audiovideo, allow service of summons by private servers

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 ↓ 1. Page 1420, line 3: after that line insert:

3 "SECTION 3073m. 800.01 (2) (a) of the statutes is amended to read:

4 800.01 (2) (a) Service under sub. (1) (a) shall be as provided in s. 801.11 or

5 968.04 (3) (b) 2. or by personal service by ~~a municipal employe~~ an adult who is a

6 resident of the state where the service is made but who is not a party to the action."

History: 1977 c. 305; 1979 c. 32 s. 68; Stats. 1979 s. 800.01; 1987 a. 389; 1989 a. 170, 261; 1993 a. 437; 1995 a. 27.

7 ↓ 2. Page 1421, line 6: after that line insert:

8 "SECTION 3076m. 800.02 (4) (a) (intro.) of the statutes is amended to read:





**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Insert 1422-17

1 **AN ACT to create** 800.04 (5) of the statutes; relating to: municipal court hearings  
2 by telephone or live audio-visual means.

***Analysis by the Legislative Reference Bureau***

Under current law, certain proceedings in criminal court, including initial appearances and arraignments may be conducted by telephone or live audio-visual means. This bill allows hearings in municipal court to be conducted by telephone or live audio-visual means. The court cannot hold a hearing by telephone or live audio-visual means unless the defendant consents, but that consent may be done by telephone.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

3 " SECTION 1. 800.04 (5) of the statutes is created to read:

4 800.04 (5) Unless good cause to the contrary is shown, appearances referred  
5 to in this section may be conducted by telephone or ~~live~~ audio-visual means, <sup>by interactive video and transmission</sup> if avail-  
6 able. If testimony is to be taken under oath, the proceeding shall be reported by a  
7 court reporter who is in simultaneous voice communication with all parties to the  
8 proceeding. Regardless of the physical location of any party to the call, any plea,  
9 waiver, stipulation, motion, objection, decision, order or other action taken by the

1 court or any party shall have the same effect as if made in open court. With the excep-  
2 tions of scheduling conferences, pretrial conferences, and, during hours the court is  
3 not in session, the proceeding shall be conducted in a courtroom or other place rea-  
4 sonably accessible to the public. Simultaneous access to the proceeding shall be pro-  
5 vided to persons entitled to attend by means of a loudspeaker or, upon request to the  
6 court, by making a person party to the telephone call without charge. The court may  
7 permit a hearing under this section to be conducted by telephone or ~~audio~~ *by interactive video and*  
8 ~~means~~ *transmission* only if the defendant consents. The defendant's consent may be made by tele-  
9 phone. "⊙"

10 (END) of user A]



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0950/1  
RPN:wlj:ksh

SDC:.....Walter - Caucus #3711 Municipal court changes, allowing prosecutor to sign summons, allow hearings by telephone or audiovideo, allow service of summons by private servers

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1420, line 3: after that line insert:

3 “SECTION 3073m. 800.01 (2) (a) of the statutes is amended to read:

4 800.01 (2) (a) Service under sub. (1) (a) shall be as provided in s. 801.11 or  
5 968.04 (3) (b) 2. or by personal service by ~~a municipal employe~~ an adult who is a  
6 resident of the state where the service is made but who is not a party to the action.”.

7 **2.** Page 1421, line 6: after that line insert:

8 “SECTION 3076m. 800.02 (4) (a) (intro.) of the statutes is amended to read:

