



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2003 Assembly Bill 50	Assembly Amendment 1 and Senate Amendment 1
<i>Memo published:</i> March 16, 2004	<i>Contact:</i> Don Dyke, Senior Staff Attorney (266-0292) Mary Offerdahl, Staff Attorney (266-2230)

Current statutes establish a variety of fees for services performed by sheriffs (the fees also apply to similar services performed by city, village, and town law enforcement). [ss. 814.70 and 814.71, Stats.] Current law also allows the county board to establish a fee higher than the statutorily prescribed fee for certain sheriff services. [s. 814.705 (1) (a), Stats.] (Cities, villages, and towns have similar authority for fees applicable to their law enforcement; s. 814.705 (1) (b) to (d), Stats.)

Assembly Bill 50 permits a higher fee to be set by the county board: (1) for service of writs or other process by the sheriff in connection with the property seizure and evictions (the current fee is \$8); and (2) for each deputy sheriff assigned to inventory property when seizing property in connection with attachment, replevin, or execution, or when evicting on a writ of restitution or writ of assistance (the current fee is \$10 per hour).

Assembly Amendment 1 limits the fee that a county board may set higher than the statutorily prescribed fee so as “not to exceed the actual costs incurred for seizures and evictions.”

Senate Amendment 1 clarifies that the “not to exceed the actual costs incurred for seizures and evictions” limitation referred to in the above description of Assembly Amendment 1 applies just to sheriff’s fees for the seizure of property or evictions, and not to any other sheriff’s fees that a county board may set higher than statutorily prescribed fees (such as fees for service of process, execution of judgment, and travel related to civil and criminal process).

Legislative History

Assembly Amendment 1 was introduced by Representatives Ladwig, Nass, Bies, and Friske. It was adopted by the Assembly on a voice vote on May 6, 2003.

Senate Amendment 1 was introduced and recommended for adoption, and concurrence in Assembly Bill 50 as amended was recommended by the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform on October 21, 2003, both by votes of Ayes, 5; Noes, 0. On March 11, 2004, the Senate adopted Senate Amendment 1 and concurred in 2003 Assembly Bill 50, as amended, by voice vote.



**WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO**

2003 Wisconsin Act 182 [2003 Assembly Bill 50]	County Authority to Increase Certain Sheriff Fees
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

Current statutes establish a variety of fees for services performed by sheriffs. Current law allows the county board to establish a fee higher than the statutorily prescribed fee for certain sheriff services.

2003 Wisconsin Act 182 permits the county board to set a fee higher than that prescribed by statute: (1) for service of writs or other process by the sheriff in connection with property seizure or evictions, not to exceed the actual costs incurred in performing the seizure or eviction; and (2) for each deputy sheriff assigned to inventory property when seizing property in connection with attachment, replevin, or execution or when evicting on a writ of restitution or writ of assistance.

Effective Date: Act 182 took effect April 21, 2004.

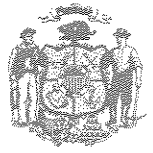
Prepared by: Don Dyke, Chief of Legal Services

April 30, 2004

DD:ksm:jal

This memo provides a brief description of the Act. For more detailed information,
consult the text of the law and related legislative documents.

State Representative
Bonnie L. Ladwig
63rd Assembly District



June 24, 2003

The Honorable Ron Brown
State Senator
104 South, State Capitol
Madison, WI 53707

Dear Senator Brown:

Thank you for scheduling a hearing on Assembly Bill 48 and Assembly Bill 130. I appreciate your willingness to do so in such timely fashion.

I would also like to request a hearing on Assembly Bill 50 relating to sheriff fees. This bill passed the Assembly unanimously on May 6th. Current law establishes sheriff's fees for various costs incurred by the sheriff in carrying out court-related services, but allows a county board to establish a higher sheriff's fee for service of process, execution of judgment and travel related to civil and criminal process. Assembly Bill 50 would also allow a county board to establish a higher sheriff's fee for seizure of property evictions. According to the Racine County Sheriff's Department, the current \$10 per hour is not covering the cost incurred by the department to do the work. It is costing Racine County an extra \$30,000 a year.

Your consideration of this bill for a hearing would be greatly appreciated. Please feel free to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Bonnie".

Bonnie Ladwig
State Representative
63rd Assembly District

JUN 25 2003

BLL:jlh

Cc: Representative Steve Foti, Assembly Majority Leader



Testimony on Assembly Bill 50
Sheriff Fees Established by the County
before the
Senate Committee on Homeland Security, Veterans and Military Affairs and Government
Reform
October 15, 2003

Dear Chairman Brown and members of the committee:

Thank you for holding a hearing on Assembly Bill 50.

Last year the Racine County Sheriff's Department contacted me regarding the statutory sheriff's fee for seizure of property and evictions. Current law establishes a fee of \$8 for serving any writ or other process with the aid of the county and \$10 per hour for each deputy assigned to inventory the property when seizing it. The Racine County Sheriff's Department serves an average of 15 Writs of Restitution per week and the statutory fee doesn't begin to cover the cost of this service. Currently, this established fee is costing Racine County and its taxpayers between \$15,000 and \$20,000 per year! (Please see their comments, which are attached to my written testimony.)

In an effort to address this problem, I drafted Assembly Bill 50, which would allow the county board to establish the sheriff's fee for seizure of property and evictions. This is consistent with current law, which allows a county board to establish sheriff's fees for service of process, execution of judgement and travel related to civil and criminal process.

During the Assembly debate on this bill Assembly Amendment 1 was added to clarify that the fee established by the county board could not exceed the actual costs incurred for seizures and evictions. This was done to address concerns that the county board may use this authority as a money making scheme.

Assembly Bill 50 passed the Assembly Urban and Local Affairs Committee 8-0 and it passed the full Assembly as amended on a voice vote.

Wasting taxpayer dollars should be avoided during these tight fiscal times. Assembly Bill 50 would take a step in that direction. I urge your support.

Thank you for your time and attention. I would be happy to answer any questions.



RACINE COUNTY SHERIFF'S DEPARTMENT

717 Wisconsin Avenue, Racine, WI 53403-1237

(262) 636-3213 FAX (262) 637-5279

Waterford (262) 534-5166 Burlington (262) 763-9558

Sheriff Robert D. Carlson

Chief Deputy William R. Gabbey

October 14, 2003

Bonnie L. Ladwig
State Representative
P O Box 8952
Madison, WI 53708-8952

REFERENCE: AB 50

Dear Representative Ladwig:

My office received a phone call yesterday afternoon in regard to AB50 coming to the Senate floor on October 15. Unfortunately, previous commitments prevent us from attending this important meeting.

In reference to the proposed bill, we would like to interject our thoughts.

Under current Wisconsin law, Writs of Restitution and Executions can only be charged a fee of \$10. In Racine County, the Sheriff Department serves an average of 15 Writs of Restitution per week. The \$10 collected fee does not begin to cover the cost of this service. Currently, the Sheriff's Department spends an average of five hours per week on the actual evictions, moving the tenants who do not comply with the Writ of Restitution. Under the current Statutes, Racine County is losing or costing the taxpayer between \$15,000 and \$20,000 per year.

The Racine County Sheriff's Department and the taxpayers of Racine County would be in favor of AB 50. It would greatly help in our ability to recover our costs associated with Writs of Restitution and Executions.

If we can be of further help to you in this endeavor, please feel free to contact either Sheriff Bob Carlson at (262) 636-3822 or Civil Process Investigator Peter Hintz at (262) 636-3210.

Thank you very much for your efforts for this much needed Assembly Bill.

Sincerely yours,

Robert D. Carlson
Sheriff, Racine County

RDC:cap