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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Corrections and the Courts...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Noes: (3) Representatives Gundrum, Suder and
LeMahieu.

Absent: (1) Representative Underheim.

PASSAGE RECOMMENDED, Ayes 6, Noes 3

A handwritten signature in black ink, appearing to read 'Andrew Nowlan', written over a horizontal line.

Andrew Nowlan
Committee Clerk





Supreme Court of Wisconsin

DIRECTOR OF STATE COURTS

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Shirley S. Abrahamson
Chief Justice

16 East State Capitol
Telephone 608-266-6828
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A. John Voelker
Director of State Courts

To: Circuit court judges
Reserve judges
Clerks of circuit court

From: A. John Voelker

Date: July 9, 2004

Re: Financial accounts on CCAP

The Committee of Chief Judges and the Director of State Courts Office have reviewed the CCAP financial accounts set up by individual counties to collect county-specific fees, costs, surcharges, and recoupments. We have found a number of accounts that do not appear to have a statutory basis for collection of the particular debt. I have concluded that the Director's Office cannot allow CCAP to make financial accounts available unless a clear statutory basis can be established for the debt collected. The Committee of Chief Judges and the CCAP Steering Committee concur in this recommendation.

The Attorney General is of the opinion that the fees that may be collected by the clerk of circuit court are set forth in statute, which necessarily implies that the clerk is to collect no other fees. 80 Op. Att'y Gen. 223 (1992). Because the Legislature intended a uniform fee schedule throughout the state, any new fees must be adopted by the Legislature rather than imposed by the clerk of court or the county board. *Id.* As you know, the Director's Office relies upon the Attorney General for legal advice and representation on administrative matters.

In the past, the chief judges have reviewed and approved new financial accounts for the counties in their districts. Despite that review, a number of accounts have been added over time that do not appear to have a statutory basis. At their meeting on May 14, 2004, the chief judges recommended that the director's office take over the process of reviewing and approving financial accounts.

CCAP financial schedules are also used by some counties to collect debts for other agencies, including reimbursement of law enforcement costs, electronic monitoring, recoupment of GAL fees, service fees for the DA, victim-witness unit fees, booking fees, etc. Some of these debts have a basis in the Wisconsin statutes and some do not. In accordance with the reasoning above, CCAP may be used to collect debts for other agencies only where there is clear statutory authority. A county ordinance creating the fee is insufficient. The Committee of Chief Judges and the CCAP Steering Committee concur in this recommendation.

Please review the special financial accounts set up by your county to determine if there is a statutory basis for continuation of the account. The District Court Administrators will be contacting individual counties to discuss questionable accounts. In the absence of sufficient authority, our intention is to deactivate the account for disposition of new cases after September 1, 2004. For existing cases, the money should continue to be collected and disbursed according to the judgment. We recommend that you do not develop alternate methods of collecting non-statutory fees.

If you have questions or concerns, contact Sheryl Gervasi, Deputy Director of Court Operations, at 608-266-3121.

cc: Supreme Court Justices
District Court Administrators



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*Chair Committee on
Technology Educational
Communications Board*

*Co-Chair Task Force on
Digital Democracy*

D E A N O F T H E A S S E M B L Y

September 30, 2005

Representative Garey Bies
Room 315 North
State Capitol
Madison, Wisconsin 53718

Dear Garey,

Representative Garey Bies office called me today and said that they were working on an executive session including Assembly Bill 582 introduced at the request of Wood County Circuit Judge Edward Zappen. As you recall this is a simple, non-controversial bill that would allow an alternative to incarceration for drug offenders and is being tried in a number of counties in Wisconsin including Wood, Dane, Waukesha and La Crosse.

The problem is that the records cannot be part of CCAP because of a ruling by the Director of State Courts and the lack of statutory authority to implement these courts and their records in the system. This bill makes a technical change to correct that and allow Wood County to continue this very successful program.

I am writing to ask if you have any concerns about this matter to contact my office or me for any clarification on this bill if you need to. Thank you for your consideration of this important piece of legislation for these counties and probably more in the future.

Sincerely yours,

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

Marlin D. Schneider
Dean of the Assembly

MDS/mds

"Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion." Edmund Burke Nov. 3, 1774



> Can be done now w/prob

> Relieve efforts of prob officers