

2007 DRAFTING REQUEST

Bill

Received: **03/01/2007**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Peggy Krusick (608) 266-1733**

By/Representing: **Christian**

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Krusick@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

assignment of earning and income to municipal court

Instructions:

See Attached 05-4438

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> |
|--------------|------------------------|---------------------|------------------------|----------------|-----------------------|-----------------|-----------------|
| /? | rnelson2 03/01/2007 | jdyer 03/05/2007 | | _____ | | | Local |
| /1 | | | nmatzke 03/05/2007 | _____ | cduerst 03/05/2007 | | Local |
| /2 | rnelson2 03/19/2007 | jdyer 03/20/2007 | rschluet 03/20/2007 | _____ | lparisi 03/20/2007 | | Local |
| /3 | rnelson2 | jdyer | rschluet | _____ | sbasford | cduerst | |

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| | 12/13/2007 | 12/14/2007 | 12/14/2007 | _____ | 12/14/2007 | 01/02/2008 | |

FE Sent For: **01/02/2008.**

per Christian Moran <END>

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| /1 | | 3/12/14 jld | nmatzke 03/05/2007 | _____ | cduerst 03/05/2007 | | Local |
| /2 | rnelson2 03/19/2007 | jdyer 03/20/2007 | rschluet 03/20/2007 | _____ | lparisi 03/20/2007 | | |

Handwritten signature and date: 3/21/07 pb

FE Sent For:

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| /1 | | <i>12/3/20 jld</i> | nmatzke 03/05/2007 | _____ | cduerst 03/05/2007 | | |

FE Sent For:

3207 NW
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| /? | rnelson2 | 1 3/5 JLD | nwn 3/5 | nwn/rs 3/5 | | | |

FE Sent For:

<END>

Nelson, Robert P.

From: Moran, Christian
Sent: Tuesday, February 27, 2007 5:09 PM
To: Nelson, Robert P.
Subject: bill drafting request
Attachments: 05-4438P1.pdf

Hi Bob,

Please redraft the attached for introduction this session. It relates to municipal court income assignments.

Thanks,

-cm-

Christian Moran
Office of Representative Peggy Krusick
State Capitol, 128 North
Madison, WI 53708
608-266-1733

02/28/2007

2119/1
stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2007 Bill

Regen

1 AN ACT to amend 800.09 (1) (intro.); and to create 800.09 (1) (d) of the statutes;
2 relating to: assignment of income and earnings to pay municipal court
3 judgment. ✓

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

ins
anal → ✓

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

4 SECTION 1. 800.09 (1) (intro.) ✓ of the statutes is amended to read:
5 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty, it
6 may render judgment by ordering restitution under s. 800.093 and payment of a
7 forfeiture, plus costs, fees, and surcharges imposed under ch. 814. The court shall
8 apply any payment received on a judgment that includes restitution to first satisfy
9 any payment of restitution ordered, then to pay the forfeiture, costs, fees, and
10 surcharges. If the judgment is not paid, the court may proceed under par. (a), (b), or
11 (c), or (d) ✓ or any combination of those paragraphs, as follows:

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2117/?ins
RPN:.....

insert anl;

Under current law, if a person fails to pay a judgment[✓] ordered by a municipal court, the court may do any of the following:

1. Defer any payment of the judgment for a period of time.[✓]
2. Allow the person to pay the judgment by making installment[✓] payments.
3. Order the person to perform community service work in lieu of paying the judgment.[✓]
4. Suspend the person's driving privileges until the judgment is paid, including taking possession of the person's license to drive.[✓]

* This bill adds another option to the court, allowing the court to issue an order assigning not more than 25 percent[✓] of the person's earnings,[✓] worker's compensation, pension, and other money due to the person, such as lottery prizes, to pay ~~for~~ the unpaid judgment.[✓]

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

(end ins)

Nelson, Robert P.

From: Moran, Christian
Sent: Monday, March 19, 2007 10:19 AM
To: Nelson, Robert P.
Subject: FW: Income Assignment
Attachments: Debt Task Force Memo11-16-05.pdf

Bob,

Here's the recommended amendment to 778.30(1) that we would like included in LRB-2117/1. The intent of this proposal is described in point one of the attached memo.

Thanks for your help.

Christian
6-1733

778.30(1)



(1) In addition to the procedures under s. 23.795 or 345.47 or under this chapter for the collection of forfeitures, costs, assessments, surcharges, restitution payments **or municipal debt reduced to judgment** if a defendant fails to pay the forfeiture, costs, assessment, surcharge, restitution **or municipal debt reduced to judgment** payment within the period specified by the circuit court, the court may do any of the following:

CITY OF MILWAUKEE
OUTSTANDING DEBT TASK FORCE
November 16, 2005

SUGGESTIONS TO ENHANCE RECOVERY
PROVIDED BY:

H.E. STARK AGENCY
PAULINE KUSSART, PRESIDENT
ERIC SUMMERS, DIRECTOR BUSINESS DEVELOPMENT
6425 ODANA RD
PO BOX 45710
MADISON, WI 53744-5710

877-274-7764

*child support
state tax*

- working

drivers license, social - 51,

fines, forfeitures properties

773.30

1. Work with the state legislature and Representative Peggy Krusick to expand the language governing form GF-161, Income Assignment Order for Unpaid Fines and Other Financial Penalties to allow city municipal courts to file such actions. Currently a municipality would have to transcribe an unpaid fine to the circuit court which includes a financial cost. Once that has been filed, if employment location is known, then a municipality would have to file a garnishment action against the defendant. There is a cost of \$98 to file a garnishment. If the garnishment action is taken, the defendant, by order, must repay the \$98 and the cost of the transcription. With an Income Assignment Order, there are no costs thereby lowering the municipalities financial risk and not adding financial burden to the defendant.

*municipal court
transcribe \$+
garnish \$*

*costs making
accounts collect
for*

*11/16/05
recommendations 2*

Review the provisions of state statute 138.04 to determine if the finance charge as allowed by state law can be applied to debts owed to the City of Milwaukee. If so, this can be an immediate incentive remedy.

consumer debt

3. Consider using an outside business partner to do a call campaign for a set flat rate per call on delinquent accounts in which a phone number is available. Only reminder calls should be placed and no commission would be due to that business partner. Accounts could be electronically loaded to that outsource partner for a 3 day call campaign and then returned electronically to the City of Milwaukee.
4. We recently attended a seminar in which we heard Rhonda Snow from the City of Phoenix Municipal Court speak about their collection plan. We strongly urge you to call her at 602/495-0552 to hear how they developed the collection procedure that they are now using.
5. Consider partnering with more than one outside collection agency to create a competitive environment. Consider giving incentives to the agency that is the greater achiever.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2117/A²

RPN:jld:nwn

2007 BILL

Regen

1 AN ACT *to amend* 800.09 (1) (intro.); and *to create* 800.09 (1) (d) of the statutes;
2 **relating to:** assignment of income and earnings to pay municipal court
3 judgment.

Analysis by the Legislative Reference Bureau

Under current law, if a person fails to pay a judgment ordered by a municipal court, the court may do any of the following:

1. Defer any payment of the judgment for a period of time.
2. Allow the person to pay the judgment by making installment payments.
3. Order the person to perform community service work in lieu of paying the judgment.
4. Suspend the person's driving privileges until the judgment is paid, including taking possession of the person's license to drive.

This bill adds another option to the court, allowing the court to issue an order assigning not more than 25 percent of the person's earnings, worker's compensation, pension, and other money due to the person, such as lottery prizes, to pay the unpaid judgment.

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:

(intro.)

Section #. 778.30 (1) of the statutes is amended to read:

Insert 2-1

(intro.)

778.30 (1) In addition to the procedures under s. 23.795 or 345.47 or under this chapter for the collection of forfeitures, costs, assessments, surcharges, ^{or municipal debt reduced to judgment} or restitution payments if a defendant fails to pay the forfeiture, costs, assessment, surcharge or restitution payment within the period specified by the circuit court, the court may do any of the following:

use twice

(a) Issue a judgment for the unpaid amount and direct the clerk of circuit court to file and docket a transcript of the judgment, without fee. If the court issues a judgment for the unpaid amount, the clerk of circuit court shall send to the defendant at his or her last-known address written notification that a civil judgment has been issued for the unpaid forfeiture, costs, assessment, surcharge or restitution payment. The judgment has the same force and effect as judgments docketed under s. 806.10.

(b) Issue an order assigning not more than 25% of the defendant's commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102, and other money due or to be due in the future to the clerk of circuit court for payment of the unpaid forfeiture, costs, or restitution fees or surcharges. In this paragraph, "employer" includes the state and its political subdivisions.

(c) Issue an order assigning lottery prizes won by a defendant whose name is on the list supplied to the clerk of circuit court under s. 565.30 (5r) (a), for payment of the unpaid forfeiture, costs, assessment, surcharge or restitution payment.

(d) A child support withholding assignment or order listed under s. 767.75 (4) has priority over any assignment under this section.

History: 1997 a. 148; 2003 a. 139; 2005 a. 253; 2005 a. 443 s. 265.

Nelson, Robert P.

From: Moran, Christian
Sent: Thursday, December 13, 2007 2:55 PM
To: Nelson, Robert P.
Subject: redraft request (LRB-2117/2: muni court income assignments)

Hi Bob:

Could you please make the following change to LRB-2117/2:

- Change the references to "municipal debt reduced to judgment" to "municipal court judgments".

It's our understanding that the current language might be construed to cover only a general obligation to a municipality which results in a lawsuit and judgment in circuit court.

The Milwaukee City Attorney's office says the requested language also covers parking tickets adjudicated in municipal court, which is our intent.

Just call with any questions.

Thanks,

Christian
6-1733

12/13/2007



2007 BILL

Regen

1 AN ACT *to amend* 778.30 (1) (intro.) and 800.09 (1) (intro.); and *to create* 800.09
 2 (1) (d) of the statutes; **relating to:** assignment of income and earnings to pay
 3 ^a municipal court judgment. ✓

Analysis by the Legislative Reference Bureau

Under current law, if a person fails to pay a judgment ordered by a municipal court, the court may do any of the following:

1. Defer any payment of the judgment for a period of time.
2. Allow the person to pay the judgment by making installment payments.
3. Order the person to perform community service work in lieu of paying the judgment.
4. Suspend the person's driving privileges until the judgment is paid, including taking possession of the person's license to drive.

This bill adds another option to the court, allowing the court to issue an order assigning not more than 25 percent of the person's earnings, worker's compensation, pension, and other money due to the person, such as lottery prizes, to pay the unpaid judgment. ^{can}

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:

NO - includes municipal court judgments to those which may be collected by these methods and

BILL

1 **SECTION 1.** 778.30 (1) (intro.)^X of the statutes is amended to read:

2 778.30 (1) (intro.) In addition to the procedures under s. 23.795 or 345.47 or
3 under this chapter for the collection of forfeitures, costs, assessments, surcharges,
4 municipal debt reduced to judgment,^{COURT} or restitution payments if a defendant fails to
5 pay the forfeiture, costs, assessment, surcharge, municipal debt reduced to
6 judgment,^{COURT} or restitution payment within the period specified by the circuit court,
7 the court may do any of the following:

8 **SECTION 2.** 800.09 (1) (intro.)^X of the statutes is amended to read:

9 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty, it
10 may render judgment by ordering restitution under s. 800.093 and payment of a
11 forfeiture, plus costs, fees, and surcharges imposed under ch. 814. The court shall
12 apply any payment received on a judgment that includes restitution to first satisfy
13 any payment of restitution ordered, then to pay the forfeiture, costs, fees, and
14 surcharges. If the judgment is not paid, the court may proceed under par. (a), (b), or
15 (c), or (d) or any combination of those paragraphs, as follows:

16 **SECTION 3.** 800.09 (1) (d)^X of the statutes is created to read:

17 800.09 (1) (d) The court may issue an order assigning not more than 25 percent
18 of the defendant's commissions, earnings, salaries, wages, pension benefits, benefits
19 under ch. 102, and other money due or to be due in the future, including lottery
20 prizes, to the municipal court for payment of the unpaid restitution, forfeiture, costs,
21 fees, or surcharges.

22 **SECTION 4. Initial applicability.**

23 (1) This act first applies to judgments entered on the effective date of this
24 subsection.

25 **SECTION 5. Effective date.**

Duerst, Christina

From: Moran, Christian
Sent: Wednesday, January 02, 2008 10:44 AM
To: LRB.Legal
Subject: Please jacket LRB-2117/3 for Assembly introduction

Thanks,

Christian Moran
Office of Representative Peggy Krusick
State Capitol, 128 North
Madison, WI 53708
608-266-1733

Duerst, Christina

From: FES User Christina Duerst [DOAFiscalEstimates@wisconsin.gov]
Sent: Friday, January 04, 2008 10:04 AM
To: DOAFiscalEstimates@wisconsin.gov; DOAFiscalEstimates@wisconsin.gov; Rottier, Nancy M - COURTS
Cc: Duerst, Christina
Subject: FISCAL ESTIMATE REMINDER - LRB # 07-2117/3

CTS was previously assigned to provide a 'Original' FISCAL ESTIMATE for LRB # 07-2117/3 by 1/9/2008.

Please submit the estimate as soon as possible.

NEEDED 1/7/08 FOR HEARING IF POSSIBLE!!!

Submitted from the web 1/4/2008 10:03:30 AM

Fiscal Estimates URL = <http://fes.doa.state.wi.us>

This message has been generated from the Fiscal Estimate System by FES User Christina Duerst. Please click on the following link to respond to Christina Duerst. <mailto:Christina.Duerst@legis.state.wi.us?subject=FISCAL%20ESTIMATE%20REMINDER%20-%20LRB%20#%2007-2117/3&cc=Christina.Duerst@legis.state.wi.us> Using the Reply button will send a message to the FES System Mailbox.

Duerst, Christina

From: FES User Christina Duerst [DOAFiscalEstimates@wisconsin.gov]
Sent: Wednesday, January 02, 2008 3:34 PM
To: DOAFiscalEstimates@wisconsin.gov; DOAFiscalEstimates@wisconsin.gov; Rottier, Nancy M - COURTS
Cc: Duerst, Christina
Subject: FISCAL ESTIMATE REMINDER - LRB # 07-2117/3

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Please submit the estimate as soon as possible.

NEEDED 1/7/08 FOR HEARING IF POSSIBLE!

Submitted from the web 1/2/2008 3:34:20 PM

Fiscal Estimates URL = <http://fes.doa.state.wi.us>

This message has been generated from the Fiscal Estimate System by FES User Christina Duerst. Please click on the following link to respond to Christina Duerst. <mailto:Christina.Duerst@legis.state.wi.us?subject=FISCAL%20ESTIMATE%20REMINDER%20-%20LRB%20#%2007-2117/3&cc=Christina.Duerst@legis.state.wi.us> Using the Reply button will send a message to the FES System Mailbox.