



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2011 Wisconsin Act 61**  
[2011 Senate Bill 117]

**Venue in Actions  
Against the State**

*Current law* provides that all actions in which the sole defendant is the state, any state board or commission, or any state officer, employee, or agent in an official capacity are venued in Dane County, unless another venue is specifically authorized by law. In addition, a judgment or order appealed to the court of appeals must be heard in the court of appeals district that contains the court from which the judgment or order is appealed.

*2011 Wisconsin Act 61* provides that all actions in which the sole defendant is the state, any state board or commission, or any state officer, employee, or agent in an official capacity are venued in the *county designated by the plaintiff*, unless another venue is specifically authorized by law. However, the Act retains current law in actions commenced by prisoners, thus providing that an action commenced by a prisoner in which the sole defendant is the state, any state board or commission, or any state officer, employee, or agent in an official capacity is venued in Dane County, unless another venue is specifically authorized by law.

Further, the Act provides that a judgment or order appealed from an action in which the sole defendant is the state, any state board or commission, or any state officer, employee, or agent in an official capacity that is venued in the county designated by the plaintiff must be heard in a court of appeals district selected by the appellant but the court of appeals district may not be the court of appeals district that contains the court from which the judgment or order is appealed.

**Effective date:** The Act takes effect on November 25, 2011, and first applies to actions commenced on the effective date.

**Prepared by:** Jessica Karls-Ruplinger, Senior Staff Attorney

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.