



2013 SENATE BILL 275

1 **AN ACT** *to repeal* 19.01 (4) (c) 3. and 59.40 (2) (L); *to amend* 19.01 (4) (c) 4.,
2 800.02 (2) (a), 814.08 (1) and 814.65 (5); and *to create* 800.08 (5) of the statutes;
3 **relating to:** the role of the clerk of a circuit court in filing the oath and bond
4 of a municipal judge; signatures on citations or complaints alleging a violation
5 of a municipal ordinance; the fee for a transcript of an electronic recording of
6 municipal court proceedings; and the authority of a municipal court judge to
7 order a default judgment against a defendant who fails to appear at trial.

Analysis by the Legislative Reference Bureau

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

8 **SECTION 1.** 19.01 (4) (c) 3. of the statutes is repealed.

9 **SECTION 2.** 19.01 (4) (c) 4. of the statutes is amended to read:

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1 19.01 (4) (c) 4. All judges ~~or, other than municipal judges, and all judicial~~
2 officers, ~~not included in subds. 1. and 3. other than judicial officers under subd. 1.,~~
3 elected or appointed for that county, or whose jurisdiction is limited to that county.

4 **SECTION 3.** 59.40 (2) (L) of the statutes is repealed.

5 **SECTION 4.** 800.02 (2) (a) of the statutes is amended to read:

6 800.02 (2) (a) The citation or complaint shall be signed by contain the name of
7 a law enforcement officer, attorney representing the municipality, or, if applicable,
8 a conservation warden. In addition, the governing body of a municipality authorized
9 to adopt the use of citations or complaints may designate by ordinance or resolution
10 other municipal officials who ~~may sign and~~ are authorized to issue and be named in
11 citations or complaints with respect to ordinances which are directly related to the
12 official responsibilities of the officials. Officials granted the authority to sign and
13 issue and be named in citations and complaints may delegate, with the approval of
14 the governing body, the authority to employees. Authority delegated to an official or
15 employee may be revoked only in the same manner by which it is conferred.

16 **SECTION 5.** 800.08 (5) of the statutes is created to read:

17 800.08 (5) If a defendant does not appear at trial, the court may enter a default
18 judgment under s. 800.09.

19 **SECTION 6.** 814.08 (1) of the statutes is amended to read:

20 814.08 (1) In actions appealed from municipal court, where there is no new
21 trial, if the judgment is affirmed or the appeal dismissed the respondent shall have
22 costs; if reversed, the appellant; if affirmed in part and reversed in part, the court
23 may award the costs or such part thereof as is just to either party. ~~In actions appealed~~
24 ~~by the defendant from municipal court, where there is no new trial, if the judgment~~
25 ~~finding the defendant guilty under s. 800.09 is affirmed, or if the defendant's appeal~~

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1 is dismissed, the defendant shall pay the full costs of the transcript prepared under
2 s. 800.14 (5), minus the \$10 transcript payment under s. 814.65. Where there is a
3 new trial, costs shall be awarded to the successful party; but if the appeal is from a
4 judgment in favor of the appellant he or she shall have costs only if he or she obtains
5 a more favorable judgment, and otherwise the respondent shall have costs. In all
6 those cases full costs shall be the applicable fee under s. 814.61 (8) and all
7 disbursements made for return of the judge and officers' and witnesses' fees, together
8 with all costs taxable in the municipal court in the action.

9 **SECTION 7.** 814.65 (5) of the statutes is amended to read:

10 814.65 (5) COSTS AND FEES ON APPEAL. On appeal from municipal court, the
11 appellant shall pay the fee prescribed in s. 814.61 (8). ~~The appellant shall also pay~~
12 ~~a fee of \$10 for the transcript prepared under s. 800.14 (5).~~ Costs shall be as provided
13 in s. 814.08.

14 (END)