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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2019 Assembly Bill 204**

**Assembly  
Amendment 1**

### 2019 ASSEMBLY BILL 204

2019 Assembly Bill 204 makes various changes to current law relating to municipal courts. Specifically, the bill does all of the following:

- Requires a municipality to include costs for the municipal prosecuting attorney and law enforcement agency separately from the **municipal court budget**.
- Aligns the process for dissolving an **agreement for a joint municipal court** with the end of a judge's term.
- Clarifies that a municipality only must reimburse a county for **county jail charges** if the municipal charges were the only sufficient basis for confinement.
- Clarifies a provision of current law that prohibits a municipal court clerk from wearing attire suggesting that the clerk is a law enforcement officer to specify that a clerk also may not wear **attire** suggesting the clerk is an employee of a law enforcement agency.
- Requires a municipality to provide an **armed guard** for all municipal court sessions, unless otherwise requested by the municipal judge.
- Applies the approach to **calculating time** in circuit courts to time calculations in municipal courts.
- Makes relatively minor modifications relating to **initial appearances**.
- Allows a municipal judge to also transfer citations and complaints arising from the same incident when transferring an **operating while intoxicated (OWI) case** to circuit court.
- Specifies that requests for **substitution or disqualification** result in a new judge, not a new court.
- Removes a requirement that a judge must request a new judge in writing in cases **of illness, absence, or vacancy**.
- Provides new factors for a judge to consider when determining whether to allow an appearance by **telephone or audiovisual**.
- Requires a defendant seeking to void a judgment based on certain conditions to have disclosed certain information.
- Clarifies that **restitution** is available in cases of theft and death.
- Clarifies procedures for collection of **unpaid forfeitures**, including by allowing enforcement through court order.
- Prohibits municipal courts from imposing fees for filing a **motion to reconsider** a judgment, except for actual expenses, and specifies responses a municipal court may make to such a motion.

- Expands the categories of municipal court procedures that are required to be **electronically recorded**.
- Clarifies procedures for **appeals** of municipal court decisions to circuit court, including creating a 30-day timeline for transmitting the case to circuit court.
- Clarifies that **OWI cases** transferred to circuit court are subject to a standard \$5 filing fee and that forfeitures in such cases must be sent to the municipality.
- Allows a defendant to be **served** by mail on the defendant's attorney.

## **ASSEMBLY AMENDMENT 1**

Assembly Amendment 1 makes the following five changes to the bill:

- With respect to dissolving a joint municipal court agreement, the amendment requires that an ordinance to dissolve an agreement must be submitted to the county clerk and the director of state courts before October 1 of the year preceding the end of the municipal judge's current term.
- With respect to providing an armed guard, the amendment specifies that a municipality must provide an armed guard or law enforcement officer when **requested** by a municipal judge.
- With respect to considering a defendant's ability to pay in actions for relief from judgment, adds a cross-reference to clarify that ability-to-pay considerations are guided by factors set forth in statute.
- With respect to cases appealed to circuit court, specifies that a circuit court may review an order lifting a stay at any point, without waiting for the appeal to be perfected as specified under the bill.
- With respect to service of process, clarifies that service by mail to a defendant's attorney must be made at the address on file with the court.

## **BILL HISTORY**

Representative Thiesfeldt and others introduced 2019 Assembly Bill 204 on May 10, 2019. Representatives Thiesfeldt and Hebl offered Assembly Amendment 1 on September 16, 2019. On December 5, 2019, the Assembly Committee on Judiciary voted unanimously to recommend adoption of the amendment and passage of the bill, as amended.

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