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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**Memo published:** October 7, 2019

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**2019 Senate Bill 214**

**Senate  
Amendment 1**

### 2019 SENATE BILL 214

2019 Senate Bill 214 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.

## **SENATE AMENDMENT 1**

Senate 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**

Senator Jacque and others introduced 2019 Senate Bill 214 on May 14, 2019. Senator Jacque offered Senate Amendment 1 on September 18, 2019. On October 4, 2019, the Senate Committee on Insurance, Financial Services, Government Oversight and Courts voted to recommend adoption of the amendment and the bill, as amended, both on votes of Ayes, 5; Noes, 0.

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