



2007 ASSEMBLY BILL 669

January 7, 2008 - Introduced by Representatives KRUSICK, GOTTLIEB, BALLWEG, JESKEWITZ, PETROWSKI, STRACHOTA and ZEPNICK, cosponsored by Senators PLALE, DARLING, LASSA and OLSEN, by request of Wisconsin Alliance of Cities, League of Wisconsin Municipalities and the City of Milwaukee. Referred to Committee on Urban and Local Affairs.

- 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 includes municipal court judgments to those which may be collected by these methods and 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 an 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:

ASSEMBLY BILL 669**SECTION 1**

1 **SECTION 1.** 778.30 (1) (intro.) 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 court judgments, or restitution payments if a defendant fails to pay the
5 forfeiture, costs, assessment, surcharge, municipal court judgments, or restitution
6 payment within the period specified by the circuit court, the court may do any of the
7 following:

8 **SECTION 2.** 800.09 (1) (intro.) 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) 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.**

