

# Wisconsin Court System



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# Wisconsin Court System

This paper is divided into five sections: (a) the history of the Wisconsin court system; (b) Supreme Court organization and current funding levels; (c) Court of Appeals organization and current funding levels; (d) circuit court organization and current funding levels; and (e) an outline of the legal process in Wisconsin.

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## History of the Wisconsin Court System

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The Wisconsin court system was established when Wisconsin became a state in 1848 by Article VII of the Wisconsin Constitution. The state was divided into five judicial districts, with five judges who were required to meet in Madison at least once a year as a Supreme Court. In 1853, a separate Supreme Court was created with three members (one elected as chief justice). Two more members were added in 1877. An amendment in 1889 required that all justices be elected with the longest serving member presiding as Chief Justice. In 1903, the Supreme Court was expanded to its current seven members.

At that time, the Wisconsin Constitution also required separate "probate courts" and allowed for the Legislature to establish inferior courts. As a result, county courts were created with various types of jurisdiction and overlapping authority. In addition, municipalities established police justice courts for enforcement of local ordinances.

In 1962, the court system was reorganized into a two-tiered trial system, with circuit courts and county courts. The state was divided into 26 judicial circuits, of one or more counties and one or more judges. In addition, county courts were created with at least one judge in each county.

County courts had exclusive jurisdiction in probate, mental health, small claims and juvenile proceedings.

Funding for the court system was a combination of state and county appropriations. Supreme Court operations were fully funded by the state. The state paid for salaries and fringe benefits of circuit court judges and court reporters and travel expenses for judges on temporary assignment, while counties paid all other salaries and expenses. In addition, the state paid for the salary and fringe benefits of county judges; however, counties were required to reimburse the state for 50% of these costs. The state also paid annual supplements to counties for family court commissioners. State law authorized counties to pay county supplements to the statutory salaries of circuit and county judges and their court reporters. If supplements were authorized, they were the responsibility of the counties. Municipal courts were funded solely by local units of government.

In 1977, the Constitution was amended to eliminate the requirement of one probate court in each county, and the Legislature passed the "Court Reorganization Act" effective August 1, 1978, merging circuit and county courts into one trial court system. An intermediate level Court of Appeals was also created. The operations of the Court of Appeals were fully funded by the state. Authorization for municipal courts was retained for municipalities to adjudicate local ordinance violations, such as parking enforcement. Municipalities were responsible for any costs relating to those courts.

As a result of court reorganization, the 26 circuit courts were expanded to the current 69, and existing circuit and county judges became judges in the circuit in which their chambers were located.

ed (respective court reporters remained with the judge). A circuit court was established in each county except for three circuits which each contain two counties. All matters pending in county courts were transferred to the circuit court. The Act also phased out four existing judgeships and phased in 13 additional judgeships for a total of 190 circuit court judges in 1980. Fifty-nine judgeships have subsequently been created, including eight judgeships during the 2007 legislative session, bringing the total number of circuit court judges to 249.

Since August 1, 1978, the state has assumed the total cost of salaries and fringe benefits for circuit court judges and court reporters, and per diem payments and travel expenses for reserve judges and court reporters. Counties are responsible for other circuit court operational costs including salaries of clerks of court, court commissioners, courtroom security, clerical staff, office supplies, law libraries, jury costs and other operating costs, however, the state provides payments to counties to offset some of these costs. State funding of circuit court operations is discussed in more detail in the Circuit Courts section below. Operational costs of the Supreme Court and Court of Appeals remain with the state while the full cost of municipal courts has continued to remain with the municipalities that choose to operate a municipal court.

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### Supreme Court

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The Supreme Court is the highest court in the state. The Court has discretion over which cases to hear. Four or more justices must approve a petition for original jurisdiction in a case, and three or more justices are required to grant appellate jurisdiction to review a decision of a lower court.

The Supreme Court consists of seven justices elected, on a nonpartisan basis, to 10-year terms,

commencing the August 1<sup>st</sup> succeeding the election. Only one justice may be elected in any year. Any mid-term vacancies are filled with gubernatorial appointees until a regularly-scheduled election. The justice with the greatest seniority serves as Chief Justice, unless he or she chooses otherwise. In 2012-13, the annual salary of the Supreme Court Justices is \$144,495, and the Chief Justice is paid \$152,495.

In 2012-13, the Supreme Court's budget totals approximately \$30.1 million (all funds) as shown in Table 1. Expenditures in 2011-12 totaled approximately \$29.4 million. The Supreme Court's general operations are funded through a sum sufficient, general purpose revenue (GPR) appropriation that includes salaries and fringe benefits for justices and court staff and operational costs. General fund expenditures are partially offset by filing fees, which generated revenue of \$65,800 in 2011-12.

**Table 1: 2012-13 Supreme Court Funding**

	Funding	Positions
General Operations	\$5,236,100	38.50
Director of State Courts	20,153,300	129.25
Bar Examiners & Responsibility	3,617,300	35.50
Law Library	<u>2,990,800</u>	<u>16.50</u>
Total	\$31,997,500	219.75

In addition to the general operations of the Supreme Court, the Court is charged with various other responsibilities including providing administrative services to the entire state court system, regulating the practice of law in Wisconsin and maintaining a state law library. These functions are also funded under the Supreme Court's budget. The Director of State Courts, who is appointed by the Supreme Court, is responsible for the overall management of the judicial system. Such responsibilities include personnel, budget development, judicial education, the circuit court information program, interdistrict court assignments and court planning and research. In 2012-



13, the Director of State Courts Office has authorized 129.25 positions and a budget of \$20.2 million, of which \$10.7 million is program revenue (PR) for the circuit court automation programs from various court fees.

Also included under the Supreme Court's budget is the Bar Examiners and Responsibility program, which includes the Board of Bar Examiners and Office of Lawyer Regulation. These entities are funded from: (a) annual assessments to Wisconsin State Bar members; (b) fees for the State Bar examination; (c) State Bar admittance, reinstatements and screening fees; and (d) assessments related to disciplinary actions. The Board and Office are responsible for supervising the practice of law in Wisconsin, protecting the public from professional misconduct by members of the bar, and implementing and enforcing rules for mandatory continuing legal education and the state bar examination. For 2012-13, the Board of Bar Examiners is budgeted at \$793,200 PR and the Office of Lawyer Regulation at \$2,824,100 PR.

The state law library, located in Madison, is also funded under the Supreme Court. The majority of funding for the library is GPR, however, the library also receives program revenue from various copying fees and other services it provides. State law library expenditures in 2011-12 totaled \$2,462,500, of which \$2,076,900 was GPR and \$385,600 was program revenue. Additionally, since 1996, the state law library has contracted with Milwaukee County to operate a legal resource center in Milwaukee. Expenditures under the contract were \$139,800 for 2010-11 (the latest available). In 1997, a second contract with Milwaukee County was signed to provide each of the Milwaukee County circuit court judges with basic library resource materials; 2010-11 expenditures for this service were \$35,000. The state law library also provides books for the Milwaukee circuit court judges' chamber collection, whose costs are reimbursed by the county. Finally, in

January, 1999, the Director of State Courts signed a contract with Dane County to operate the Dane County Legal Resource Center. Expenditures under the contract were \$67,100 for 2010-11. Law library services in other counties are provided by the county.

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## Court of Appeals

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The Court of Appeals was mandated by a constitutional amendment on April 5, 1977. The Court of Appeals has supervisory authority over all actions and proceedings in all state courts, except the Supreme Court. Any final judgment or order made in the circuit courts may be appealed in the Court of Appeals as a matter of right.

The Court of Appeals had 12 judges when it was created in 1977. Today, there are four appellate districts in the state (as shown in Appendix I) with 16 judges. Appellate judges are elected, on a nonpartisan basis, for six-year terms beginning on August 1st following the spring election. In 2012-13, the annual salary of the appellate judges is \$136,316.

The Supreme Court appoints a chief judge who serves a three-year term as the administrative head of the four appellate districts, and who selects a presiding judge in each of the districts. Judicial vacancies within the Court of Appeals are filled by gubernatorial appointment until a successor is elected. Table 2 shows the location of the chambers of each district and the number of judges assigned to that district.

The state pays all costs of the Court of Appeals. By statute, a Court of Appeals judge may hire a secretary and a law clerk. In total there are 75.5 positions funded under the Court of Appeals. As with the Supreme Court, the Court of Appeals' operations are funded through a sum sufficient

GPR appropriation. In 2011-12, expenditures totaled \$10,046,500, which were partially offset by \$192,700 from filing fees for appeals cases. In 2012-13, the Court of Appeals has a budget of \$10,477,000.

**Table 2: Court of Appeals**

	Number of Judges
District I (Milwaukee)	4
District II (Waukesha)	4
District III (Wausau)	3
District IV (Madison)	5

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### Circuit Court Overview

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The circuit court is the trial court of general jurisdiction in Wisconsin, having original jurisdiction in civil and criminal cases, unless that jurisdiction is assigned to a higher court. The Wisconsin Constitution specifies that there will be judicial circuits with judges elected within those circuits. There are a total of 69 circuits and 249 branches and judges. In general, each county is its own circuit, except for three, two-county circuits including Buffalo and Pepin, Menominee and Shawano, and Florence and Forest (as shown in Appendix II). The 249 branches are divided into 10 judicial districts with a chief judge for each district appointed by the Supreme Court.

The number of court branches (judges) is statutorily determined. The Office of the Director of State Courts periodically requests the creation of additional court branches primarily based on: (a) a weighted caseload study; (b) district judicial need (the ability for neighboring circuits to cover additional workloads); (c) discussions with chief judges regarding problems handling current caseloads; and (d) the passage of a county board resolution in support of the creation of a new court

branch.

Appendix III shows the most recent weighted caseload study (2012) by county. It should be noted that prior to 2007, weighted caseload studies were based solely on the number of judgeships in each county. In order to better reflect each county's judicial officer need, the Director of State Courts Office updated the caseload study methodology to also include the number of court commissioner positions. Further, the appendix identifies the number of district chief judges needed for each judicial administrative district. Chief judges are responsible for administrative activities within each of the judicial districts.

Judges are elected on a nonpartisan basis to six-year terms at the spring election and take office the following August 1<sup>st</sup>. Any vacancies that occur mid-term are filled by the Governor until a successor is elected. In 2012-13, the annual salary of circuit court judges is \$128,600.

In addition to the circuit judge, there are other staff that support court operations, a number of which are described below.

*Reserve Judges.* Wisconsin Statutes section 753.075 allows the Chief Justice of the Supreme Court to appoint a judge who has served a total of six or more years as a Supreme Court Justice, Court of Appeals judge or a circuit court judge to serve as a reserve judge. Also, a person may serve as a reserve judge if he or she was eligible to serve as a reserve judge before May 1, 1992, (anyone who, as of May 1, 1992, had served four or more years as a judge or justice and who had not been defeated in his or her last reelection). A reserve judge may perform the same duties as other judges, or as specified by the Chief Justice. Reserve judges typically fill in for sitting judges who are absent, or for temporary vacancies.

As of December, 2012, there were 93 former judges who were certified as reserve judges. Re-

serve judges are state funded, and currently receive \$445.15 per day for retired circuit court judges and \$471.87 for retired court of appeals judges (reserve judge compensation is increased at the same percentage that the salaries of circuit court judges increase). Under 2005 Act 403, reserve judges' salaries are established at 90% of the daily salary of a judge, rather than at a statutorily-specified per diem. In 2011-12, per diem payments and travel reimbursements for reserve judges totaled \$955,200 GPR.

*Court Reporters.* Section 751.02, of the statutes, authorizes each judge to appoint a court reporter to record and transcribe testimony in court proceedings. Over the years, some additional court reporter positions have been approved to handle increased workloads. Currently, the state pays the salaries and fringe benefits of 278 court reporters. Salaries for court reporters in 2012-13 range from \$35,700 to \$65,700 annually. In addition, the state pays daily fees to private court reporters filling in for absent reporters on a temporary basis (\$184 per day for uncertified reporters and \$201 per day for certified reporters).

*District Court Administrators.* Supreme Court Rule 70.16(4) defines a district court administrator as a state employee who is qualified to: (a) provide administrative and technical assistance; and (b) to assist the chief judge in carrying out his or her duties and responsibilities. The chief judge appoints a district court administrator from a list of candidates supplied by the Director of State Courts. The chief judge may reject a list and request one additional list of candidates. Each district (identified in Appendix II) has a district court administrator. District I, Milwaukee County, also has an assistant district court administrator.

*Clerks of Circuit Court.* The Wisconsin Constitution provides that each county organized for judicial purposes shall have a clerk of the court who shall be an elected official and hold office for a two-year term. This is the only trial court

officer required by the Constitution. The duties of a clerk of court may include keeping court papers, books and records; collecting and sending payments to the county treasurer for the state and the county's portion of fines, forfeitures, fees and surcharges; collecting and disbursing maintenance and support payments; performing duties with respect to jurors; and caring for the county law library, in addition to other duties required under law or in order to assist with court needs. Under state statute, counties with more than one circuit court branch may appoint one or more deputies for each branch. In counties with a population of more than 500,000, the clerk of court must appoint an assistant chief deputy clerk to assist in criminal and ordinance matters. The county pays for the full cost of clerk of court positions.

*Circuit Court Commissioners.* Court commissioners are authorized to assist with certain judicial duties and are appointed by the chief judge of the district. The county board establishes the salaries and number of commissioners, with some exceptions depending on the population of the county. The positions are funded by the county.

All counties are required to appoint a circuit court commissioner to supervise the office of family court commissioner. Counties may appoint one or more court commissioners on a part-time or full-time basis to assist in juvenile matters. Any county having a population of 500,000 or more is required to appoint a court commissioner for the office of probate court commissioner to assist in probate matters. Counties with a population of at least 100,000 but not more than 500,000 may establish a court commissioner position to supervise the office of probate court commissioner. Any county having a population of 500,000 or more is required to appoint a full-time court commissioner to assist in small claims procedures. Counties with a population of less than 500,000 may appoint a court commissioner to assist in small claims procedures.

Each circuit court commissioner must be licensed to practice law in Wisconsin and must take an official oath in the office of the clerk of court. The court commissioner has authority delegated by a judge with the approval of the chief judge which may include the following: (a) issue summons, arrest warrants or search warrants; (b) conduct initial appearances and set bail; (c) conduct preliminary examinations and arraignments and accept guilty pleas; (d) receive non-contested forfeiture pleas, order revocation or suspension of operating privileges, impose monetary penalties and refer cases to court for enforcement of nonpayment; (e) conduct initial return appearances and conciliation conferences; (f) conduct non-contested probate proceedings; (g) conduct detention and shelter care hearings for children; (h) review guardianships and protective placements; (i) officiate wedding ceremonies; (j) conduct paternity proceedings; and (k) other judicial duties depending on the needs of the court.

*Registers in Probate/Probate Register.* Wisconsin statute 851.71 requires the judges of each county to appoint a register in probate, subject to the approval of the chief judge. Registers in probate file and keep probate records (such as wills, trusts, and probate court records), certify court records and perform other duties as prescribed by the judge. In addition, registers in probate have the same powers as clerks of court to certify copies of papers and judicial proceedings, have the power to administer any oath required by law, may have the powers of deputy clerks when appointed for this purpose, and may make orders for hearings when the judge is absent or when given authority. The salary of the register in probate is set and paid by the county.

In addition, Wisconsin statute 865.065 requires the court to designate, by a written order, an official to act as probate registrar. The probate registrar is usually the register in probate, but may be the clerk, deputy clerk, deputy register in probate or a court legal assistant designated by the court. Duties of the probate registrar include

verification of applications for informal administration of properties; determination of whether an individual died with or without a will and whether the original will is in possession of the court; determination of whether the person nominated as personal representative is not disqualified or unsuitable; and determination that no demand for formal administration has been made and a will has not been probated elsewhere.

*Court Security Officers (Bailiffs).* Wisconsin statute 59.27 requires the sheriff of each county to provide a list of deputies for attendance at court when such list is requested by the court. The court may authorize additional bailiffs for security during criminal matters. The county board sets the rate of compensation and the level of service to be provided by the bailiffs in circuit court. In addition, the sheriff or a deputy is required to attend the Court of Appeals when it is in session. Compensation for bailiffs attending the Court of Appeals is funded by the state, through the Court of Appeals' general operations appropriation, in the amount of the actual salary paid to the sheriff or deputy.

*Other Support Staff.* In addition to the positions listed above, there are a number of support staff who assist in circuit court operations. Judges may have a law clerk or judicial assistant. In general, law clerks perform legal research and draft memoranda and decisions for the judge. Judicial assistants assist with case and calendar management, schedule court hearings, trials, conferences and legal appointments; send notices to parties and attorneys; act as receptionists; and perform general clerical tasks. In some counties, such help is provided part-time, in others these duties may be accomplished by the existing court reporter, clerk of court staff or the judge.

Under 1997 Act 27, cities of the first class (currently, only the City of Milwaukee) were allowed to create offices of municipal court commissioners. Municipal court commissioners are authorized to preside over certain criminal pro-

ceedings, including conducting certain initial appearances; receiving non-contested forfeiture pleas; ordering revocation or suspension of driving privileges; imposing forfeitures, community service or restitution; and issuing warrants for nonappearance.

Expenditures for court support staff are primarily the responsibility of the county; however, the state pays the salary and fringe benefits of court reporters and provides payments to counties that may be used to offset costs of judicial assistants and other county court costs.

*Court Appointees.* Individuals may be appointed to participate in court proceedings in some function. Appointments may be made by the court, attorneys for the plaintiff or defendant, or may be required by statute on a case-by-case basis. Court appointees include witnesses and expert witnesses, guardians ad litem, jurors, or interpreters. Appointees are paid on a daily, hourly or contractual basis. In some instances, the plaintiff or defendant is required to pay these costs, in other cases the county directly pays for these appointments. State funding is available to defray some of these costs, through the interpreter reimbursement and the guardian ad litem and circuit court support payment programs.

Supreme Court's appropriations. The Director of State Courts Office performs certain administrative function for circuit courts, including the Office of Court Operations and district court administrators. The Supreme Court also provides judicial education to circuit judges. In 2011-12, the state expended \$74.5 million on these circuit court costs.

While counties are responsible for other circuit court operational costs, including salaries of clerks of court, court commissioners, courtroom security, clerical staff, office supplies, law libraries, and jury costs, the state also provides payments to counties that may be used to offset some of these costs. These programs include: (a) circuit court support payments; (b) guardian ad litem (GAL) costs; and (c) court interpreter fee reimbursements. Finally, the state provides automation services and equipment through the Circuit Court automation program (CCAP). In 2011-12, the state expended \$31.2 million on the programs, which are summarized below.

In total, the state expended \$105.7 million on the circuit court system in fiscal year 2011-12, as identified in Table 3. Appendix IV identifies state expenditures for each county in 2011-12 (the amounts identified in the appendix for the court support payments, guardian ad litem payments, and interpreter reimbursement are for calendar year 2011).

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## Circuit Court Expenditures and Funding

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### State Expenditures

Circuit court operations have historically been funded through a combination of state and county funding. The state pays the costs of salaries and fringe benefits for circuit court judges and court reporters, and the per diem costs for reserve judges and court reporters. In addition, the state provides funding to the circuit courts under the

**Table 3: State Expenditures on Circuit Courts, 2011-12**

Judges and Court Reporters	\$69,687,300
Director of State Courts (prorated)	1,028,700
Office of Court Operations	972,300
District Court Administrators	2,327,600
Judicial Education	464,000
CCAP	9,180,700
Court Support Payments	16,697,000
Guardian Ad Litem Payments	4,222,000
Interpreter Reimbursement	<u>1,110,200</u>
<b>Total</b>	<b>\$105,689,800</b>

*Circuit Court Support Payments.* Under 1993 Wisconsin Act 16, the circuit court support grant program was created. The program was originally created to partially offset county costs of juror and witness fees and judicial assistants and was based on the number of circuit court branches (judges). In 1993 Act 206, the program was changed from a grant program to a payment program which specified that, except for the annual report of costs, no action is required of and no condition be imposed on a county to receive a payment. Under 1995 Wisconsin Act 27, the eligible uses under the program were expanded to include any county court costs excluding security, rent, utilities, maintenance, rehabilitation, or construction of court facilities.

Funding for circuit court support payments to counties is \$18,552,200 GPR annually (under the 2011-13 biennial budget act a 10% reduction was implemented as a result of a biennial lapse requirement). Current law awards payment amounts as follows: (a) each county receives a base payment of \$42,275 per branch/judge (or a proportional amount of \$42,275 based on case-load if two counties share a branch); (b) each county with one or fewer circuit court branches receives an additional \$10,000; and (c) counties with more than one circuit court branch receive an additional payment equal to the county's proportion of the state population times the amount remaining after funding for base payments and payments to counties with one or fewer branches have been allocated.

*Guardian Ad Litem Costs.* Since 1993 Wisconsin Act 16, counties have also been provided funding to offset the costs of guardian ad litem services. A guardian ad litem (GAL) is an attorney appointed by the court for persons (usually minor children) in certain proceedings, who is an advocate for the best interests of the person. Under 1995 Act 27, the program was modified from a reimbursement program to a payment program with amounts distributed based on each county's

proportion of: (a) court branches; (b) revenue generated by the court support services fee (explained below); and (c) cases that would likely involve GAL services as determined by the Director of State Courts. No county may receive a GAL payment in an amount exceeding the total cost of GAL compensation that the county incurred under family, children and juvenile proceedings in the previous calendar year. Funding for GAL costs is \$4,691,100 GPR annually (under the 2011-13 biennial budget act a 10% reduction was implemented as a result of a biennial lapse requirement).

*Court Interpreter Fees.* The state reimburses counties for the circuit court costs associated with interpreters for persons with limited English proficiency. "Limited English proficiency" (LEP) is defined as the inability to adequately hear, understand or communicate effectively in English due to either: (a) use of a language other than English; or (b) a speech impairment, hearing loss, deafness, deaf-blindness, or other disability. If the court determines that a person has LEP and that an interpreter is necessary, the court is required to advise the person that he or she has the right to a qualified interpreter at the public's expense, if the person is one of the following:

- a. a party in interest;
- b. a witness, while testifying in a court proceeding;
- c. an alleged victim, as defined by statute;
- d. a parent or legal guardian of a minor party in interest or the legal guardian of a party in interest; or
- e. another person affected by the proceedings, if the court determines that the appointment is necessary and appropriate.

If a person with a hearing impairment is part of a jury panel, the court must appoint a qualified

interpreter for that person. In addition, statutory provisions authorize the use of interpreters in the following circumstances:

a. if the person with LEP requests assistance of the clerk of circuit courts regarding a legal proceeding, the clerk may provide the assistance of a qualified interpreter to respond to the person's inquiry;

b. with approval of the court, interpreter services outside the courtroom that are related to the court proceedings, including court-ordered psychiatric or medical exams or mediation;

c. in other actions or proceedings authorized by the court; and

d. the court may appoint more than one qualified interpreter in a court proceeding when necessary.

Counties are required to pay interpreter expenses in all proceedings before the circuit court and when the clerk of circuit courts uses a qualified interpreter. [Except for costs for interpreters assisting the State Public Defender in preparing for court proceedings, where the Public Defender pays these costs.] To receive state reimbursement, counties must submit forms to the Director of State Courts accounting for interpreter expenses for the preceding three-month period. The Director of State Courts then reimburses for the interpreter expenses, as follows: (a) \$40 for the first hour and \$20 for each additional 0.5 hour for qualified interpreters certified under the requirements and procedures approved by the Supreme Court; (b) \$30 for the first hour and \$15 for each additional 0.5 hour for qualified interpreters; and (c) for mileage, 20 cents per mile.

As of December, 2012, there are 114 court interpreters certified by the Supreme Court (75 in Spanish, 19 in American Sign Language, six Deaf Relay, one in German, five in Russian, one in Vietnamese, one in Mandarin, two in Hmong,

one in Lao, one in Somali, and two in French). The court interpreter fees reimbursement program expended \$1,110,200 GPR in 2011-12 is budgeted \$1,433,500 GPR in 2012-13.

*Circuit Court Automation Programs (CCAP).* The circuit court automation program was created in 1987-88 to provide uniform software applications to counties, including circuit court case management, jury management, financial management, court calendaring, and training on the computer system. Counties have the option of using the state CCAP system and receiving hardware, software, technical support, and training from the state or having their own system and receiving reimbursement from the state. The case and financial management systems have been installed in all of the state's 72 counties.

Operations for CCAP are supported through PR funding received from a variety of court-related fees, as follows:

a. \$15 of the filing fee to commence civil or family actions or to change venue in such actions (\$75-\$105, depending on type of action);

b. \$5 of the \$25 fee in forfeiture actions;

c. \$5 of the \$20 fee to commence garnishment actions;

d. \$5 of the \$45 filing fee for third-party complaints in civil actions;

e. \$5 of the fee to appeal or review a municipal court or administrative decision (\$40 or \$55, depending on whether a new trial is requested);

f. \$11.80 of the \$22 filing fee to commence or change venue in small claims actions;

g. \$10 of the \$53 fee for filing a counterclaim or cross complaint in small claims actions; and

h. \$6 of the \$21.50 justice information systems surcharge, which is applied to above-referenced actions.

In 2011-12, revenue generated from the above fees totaled \$9,048,000, and CCAP expended \$9,180,700 PR. For 2012-13, CCAP has a base budget of \$10,103,200 PR to install and maintain system hardware and software applications, replace obsolete hardware and software, train county staff, and provide ongoing technical assistance for all components of the system.

### **County Expenditures**

Data on county expenditures for circuit courts are limited. Each year counties report "judicial expenditures" to the Department of Revenue (DOR), which are described as expenditures involving the "circuit court, clerk of courts, probate court, family court commissioner, law library, public defenders for indigent defendants, coroner, etc." In calendar year 2011, counties reported expenditures totaling \$171.2 million. However, because there is an array of items that counties could list as judicial costs, the consistency of reports among counties is uneven. For instance, some counties report facility costs such as renovation and construction while others do not. Some counties may include the total operational cost of the courthouse, including other entities located on the premises (such as the district attorney's office and other local offices), while other counties only report the portion allocated for court operations. In addition, some costs that counties report, such as coroners, may be viewed as unrelated to court costs.

To address the issue of limited data on county judicial expenditures, statutory language was created to require counties to report "actual court costs" on all court functions except costs related to courtroom security, rent, utilities, maintenance, remodeling and construction. Counties reported spending \$203.0 million in calendar

year 2011 on all court costs, of which \$160.9 million were allowable under the circuit court support payment program.

It should be noted that concerns regarding inconsistencies in reporting among counties led to 2007 legislation authorizing the Director of State Courts to create a uniform chart of accounts that counties must use for recording all financial transactions for court operations. Now authorized to audit the reported information, the Director of State Courts indicates that the program, in its fourth year, is identifying reporting inconsistencies and working with these counties to resolve outstanding issues.

### **Circuit Court Revenues**

Revenues generated by the circuit courts include amounts collected from fees, fines, forfeitures, and surcharges imposed by the court. Appendices V to VII provide a description of all the statutory fees, fines, forfeitures, and surcharges and indicate whether amounts collected are either retained by the state or shared between the state and counties. Appendix VIII lists court fees that are wholly retained by the county. The appendices identify how the collected revenues are dispersed.

*Fines and Forfeitures.* Fines are levied in criminal actions while forfeitures are imposed in civil enforcement actions (such as most traffic violations). Fine and forfeiture amounts vary depending on the specific violation. Article X, Section 2, of the Wisconsin Constitution, requires that the clear proceeds from fines and forfeitures collected by counties be deposited to the state's common school fund, for the support and maintenance of Wisconsin public schools and the "purchase of suitable libraries." Under s. 59.25(3)(j) and (m), the Legislature has authorized counties to retain, as an administrative fee, 10% of state fines and forfeitures, except for the following: (a) 50% of motor vehicle forfeitures



and fines (excluding state motor vehicle size, weight and load forfeitures and fines, for which counties retain 10%); and (b) 50% of occupational driver's license fees. In 2011-12, the state received a total of \$12,695,700 from fines and forfeitures. Appendix V identifies the statutory provisions related to fines and forfeitures.

*Court Fees and Surcharges.* Fees are typically assessed at the initiation of an action, and revenues collected are retained by the county, sent to the state or split between the county and the state, depending on the court fee involved. Examples of court fees include fees for the following: (a) to commence legal actions or appeals; (b) to file and docket judgments; (c) to file petitions or motions; and (d) to utilize mediation in family actions. Appendix VI identifies court fees and their statutory provisions.

In addition to court fees, the Legislature has created various surcharges on certain fines and forfeitures to generate additional revenue for state programs. The amounts of most surcharges are based on either percentages of the fine or forfeiture or a flat amount, depending on the surcharge. The first surcharge, created in 1977, was the penalty assessment, created primarily to provide funding for training the state's law enforcement officers. Since then the number of surcharges and other court-ordered payments has steadily grown. Examples of surcharges include the justice information systems surcharge, the penalty surcharge, crime victim and witness assistance surcharge, and drug offender diversion surcharge. Appendix VII provides a list of statutory surcharges and how the surcharge revenue is utilized.

The surcharge that generates the most revenue for the state is the court support services surcharge. While funding for the circuit court support and GAL payment programs is provided from the general fund, the court support services surcharge was created in 1993 to offset the costs of these programs to the state. Revenue generated

from the surcharge is deposited to the state's general fund and not directly appropriated to the courts. The surcharge was originally a \$20 fee on all forfeiture judgments and most civil court filings. Under 1995 Act 27, the surcharge was increased and modified according to the type of claim filed. The surcharge was increased 30% under 2001 Act 109. Under 2003 Act 33, the surcharge was further increased by 30% and is now: (a) \$51 for various small claims filings; (b) \$169 for various large claims filings; and (c) \$68 for forfeiture action judgments, appeals from municipal courts or administrative decisions, and certain court filings not covered under (a) or (b) above. In 2011-12, the court support services surcharge generated \$45,220,900 in revenue.

In addition to the court support services surcharge revenue, the state collected \$52,054,300, from other court fees and surcharges in 2011-12. Much of this revenue is designated for specific programs, such as law enforcement training, victim/witness assistance, drug abuse treatment, and domestic abuse. Appendix IX identifies the amount of revenue generated in 2012 from fines and forfeitures, court fees, the court support services surcharge, and other surcharges by each county.

Similar to county expenditures, there are inconsistencies with reporting of counties' share of circuit court revenue. Counties report separately to DOR and to DOA the amount of revenue collected from the operation of the court system. For 2011-12, counties reported to DOA that their share of total circuit court revenue was \$36,862,200. For calendar year 2011, counties reported to the Department of Revenue that their share of circuit court revenue was \$52,067,600.

Much of the difference in reported revenues results from fees wholly retained by counties (such as copy and jury fees) which are not reported to DOA, but may be included in the report to DOR. Also, differences may result from differing reporting periods (state fiscal year compared

to calendar year data). In addition, counties report to DOA on a monthly basis, whereas DOR expenditures are reported annually. Therefore, revenue that counties receive in one month may be attributed to actions completed in a prior month, and may not be consistently captured in the monthly reports to DOA. Further, data reported to DOA is detailed by statutory cite; for example the penalty surcharge and the weapons surcharge separately. Data are reported to DOR in three broader categories: (a) law and ordinance violations; (b) court fees and costs; and (c) probate fees. In addition, data reported to DOA do not include the restitution fee, the restitution administrative surcharge or the crime prevention organization contribution. Appendix X provides a county breakout of the data reported to DOA.

### Comparison of Circuit Court Revenues and Expenditures

Based on the information reported to DOR, in calendar year 2011, counties spent \$171.2 million on circuit court operations and received \$52.1 million in court collected revenues. The difference of \$119.1 million is primarily funded through local taxes and unrestricted state aid payments, such as shared revenue. Counties will receive \$155.6 million in county and municipal and public utility aids in 2012 (\$122.6 million in county and municipal aid and \$33.0 million in public utility aid).

State expenditures are reported based on a fiscal year, beginning on July 1<sup>st</sup> of one year and ending on the following June 30, so that a direct comparison cannot be made between county calendar year and state fiscal year expenditures and revenues. The state spent \$105.7 million in 2011-12 for the circuit courts and, as reported by the Director of State Courts from information reported to DOA, received \$110.0 million in revenue from fines and forfeitures, court fees, and surcharges. Much of the revenue received by the state, while still offsetting total state costs, is earmarked for specific programs, such as schools,

law enforcement training, victim/witness assistance, drug abuse treatment and domestic abuse.

While direct comparisons may be of limited value given the inconsistencies in reported data and the differences between the calendar year and state fiscal year, Table 4 indicates that total circuit court operating expenditures exceeded revenue collected by circuit courts by approximately \$114.8 million. These expenditures are largely financed at the state level by revenue collected from general state taxes; and at the county level by local property taxes, state shared revenues and state-funded mandate relief, and state-funded circuit court support and GAL payments, and interpreter reimbursement programs.

**Table 4: Circuit Court Expenditures and Revenues at the State and County Levels (in Millions)**

	Fiscal Year 2011-12	Calendar Year 2011
	State	County
Revenues	\$110.0	\$52.1
Expenditures	<u>105.7</u>	<u>171.2</u>
Expenditures Over Revenues	\$4.3	-\$119.1

### The Wisconsin Legal Process

Both state and federal courts have jurisdiction over Wisconsin citizens. State courts generally only handle cases involving state laws; however, the federal government may give state courts jurisdiction over certain federal questions. The following is an outline of the civil and criminal court processes. It should be noted that this is a general overview and does not address the detailed specifics of each case (for example, certain civil procedures may vary for small claims or family matters). This overview does not include a description of juvenile court proceedings. Infor-

mation on court proceedings in juvenile matters can be found in the Legislative Fiscal Bureau's informational paper entitled, "Juvenile Justice and Youth Aids Program."

## **Civil Cases**

Civil cases involve individual claims in which a person seeks a remedy for some alleged wrong done by another. In general, the complaining party (plaintiff), may sue the offending party (defendant), for payment of injuries suffered by the complaining party, if the complaining party suffered a wrong for which the law provides a remedy. The process is outlined below:

a. Plaintiff files a summons and complaint with the circuit court.

b. Defendant is served with copies and a summons directs the defendant to respond (answer) to the plaintiff's attorney.

c. Various pretrial proceedings occur including motions, pretrial conferences, discovery and formal or informal negotiations between the parties.

d. In most cases, a settlement is reached at this point and court proceedings end. However, for the remainder of cases trial preparations continue, although a settlement may still occur either before trial or during trial.

e. Under state and federal law, trial by jury is guaranteed but, if both parties consent, a trial may be conducted without a jury. For civil cases in Wisconsin state court, the jury consists of six persons, unless a greater number (not to exceed 12) is requested.

f. Final judgment -- if a jury is present, five-sixths of the jurors must agree on the verdict. The court (judge) makes a judgment for the plaintiff or the defendant based on the verdict. The plaintiff must typically prove his or her case

by a preponderance of the evidence (that is, jurors must be convinced that the plaintiff's evidence is more persuasive, otherwise the verdict should be for the defendant).

g. Final judgment -- if a jury trial has been waived, the court (judge) makes a judgment for the plaintiff or the defendant based on trial testimony and evidence. Either party may file for reconsideration of the circuit court's decision based on new information.

h. Court of Appeals -- a final judgment may be appealed to the State Court of Appeals. The court must accept the appeal. The appellate court may uphold or reverse, in whole or in part, the decision of the circuit court.

i. Supreme Court -- either party may petition for review by the Supreme Court of a lower court's opinion. However, the Supreme Court has the authority to accept or refuse to hear the appeal. The Supreme Court is the court of final authority in Wisconsin, except for cases involving federal issues appealable to the U.S. Supreme Court.

## **Criminal Cases**

A criminal case involves an act prohibited by state law and punishable by fine or imprisonment, or both. Civil enforcement actions, such as most traffic violations, are distinguished from criminal actions in that a forfeiture (payment) may be imposed (much like a criminal fine), but imprisonment cannot be imposed (except under the court's contempt powers for failure to comply with a court order). There are two types of criminal cases: felonies and misdemeanors. A felony may be punishable by imprisonment in the state prison. Misdemeanors include all criminal cases that are not felonies. In general, misdemeanors have maximum sentences of less than one year in a county jail, unless the statutes state otherwise. The criminal process is outlined below.

a. The state brings action against the defendant. Typically, the prosecutor, a district attorney, files a criminal complaint in the circuit court stating the essential facts of the offense.

b. In the case of a felony, if the defendant has not been arrested at the time of the filing of the criminal complaint, the judge or court commissioner issues a warrant for arrest. Law enforcement officers must execute a warrant and make an arrest. A summons to appear is issued for a misdemeanor. A summons may be delivered through the mail.

c. The defendant is taken into custody and brought before a judge or court commissioner, and informed of the charges and the right to be represented by a lawyer. If the defendant is found to be an eligible indigent, an attorney will be appointed by the State Public Defender. Bail may be set at this time (either a cash amount or a signature bond) to assure the defendant's appearance at future proceedings. If bail cannot be produced, the defendant is held in the county jail.

d. For a misdemeanor, the accused is asked to enter a plea and a trial date, if necessary, is set. [Go to g.]

e. For a felony, the defendant has the right to a preliminary examination, which is a hearing in the circuit court to determine whether the state has probable cause to charge the individual. If probable cause is found or if the preliminary examination is waived, an arraignment is held.

f. At the arraignment, the defendant enters a plea of guilty, not guilty, no contest or not guilty by reason of mental disease or defect.

g. Most criminal cases are decided before trial (typically by a plea of guilty or no contest, but sometimes through a dismissal or other action). However, if a trial occurs, the case is heard in the circuit court in front of a judge and a jury of 12, unless both parties waive the right to a jury

trial or there is an agreement between the parties for fewer jurors.

h. Jury trial -- the jury considers the evidence presented at the trial, determines the facts and renders a verdict of guilty or not guilty. Jurors must be convinced of the defendant's guilt beyond a reasonable doubt. The verdict must be unanimous. If the jury cannot make an unanimous decision, it is referred to as a "hung" jury. The defendant may be retried by a new jury at the discretion of the district attorney.

i. No jury trial -- the judge makes the ruling of guilty beyond a reasonable doubt or not guilty.

j. A not-guilty judgment -- the defendant is cleared of alleged fault or guilt (acquitted) and cannot be tried again for the same offense ("double jeopardy").

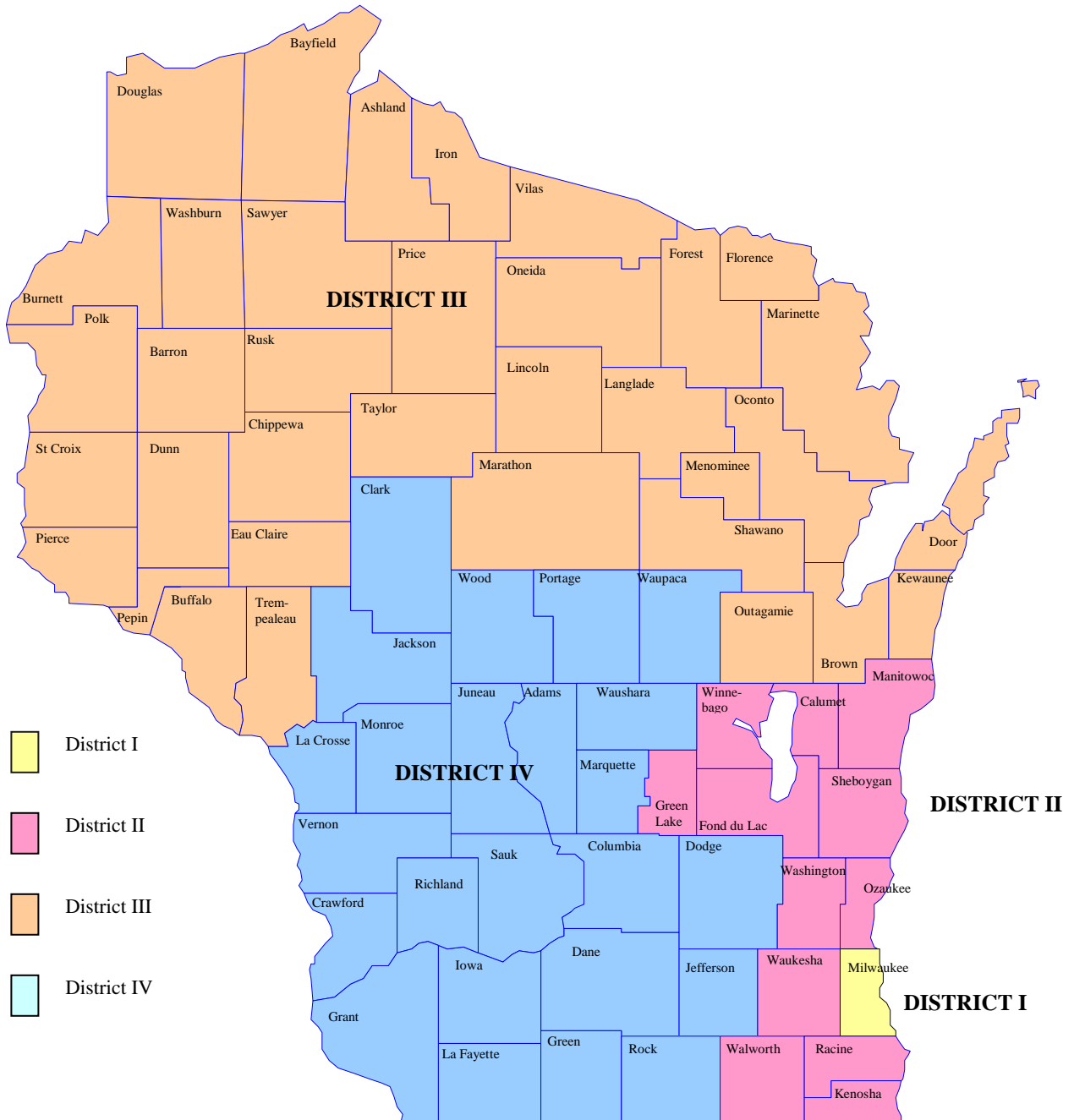
k. If guilt is determined (either through a guilty plea or trial verdict), the court (judge) enters a judgment of conviction and determines the penalty (sentencing) for the crime within the statutory range. A defendant may also plead no contest which results in the same criminal consequences as a plea of guilty, but the plea cannot be used in civil litigation against the defendant. [See Legislative Fiscal Bureau's informational paper entitled, "Felony Sentencing and Probation" for more information on sentencing.]

l. Court of Appeals -- a final judgment may be appealed to the State Court of Appeals. The Court must accept the appeal. The appellate court may uphold or reverse the decision of the circuit court.

m. Supreme Court -- either party may petition for review of a lower court's opinion by the Supreme Court. However, the Supreme Court has the discretion to decide which cases it will hear. The Supreme Court is the court of final authority in Wisconsin, except for cases involving federal issues appealable to the U.S. Supreme Court.

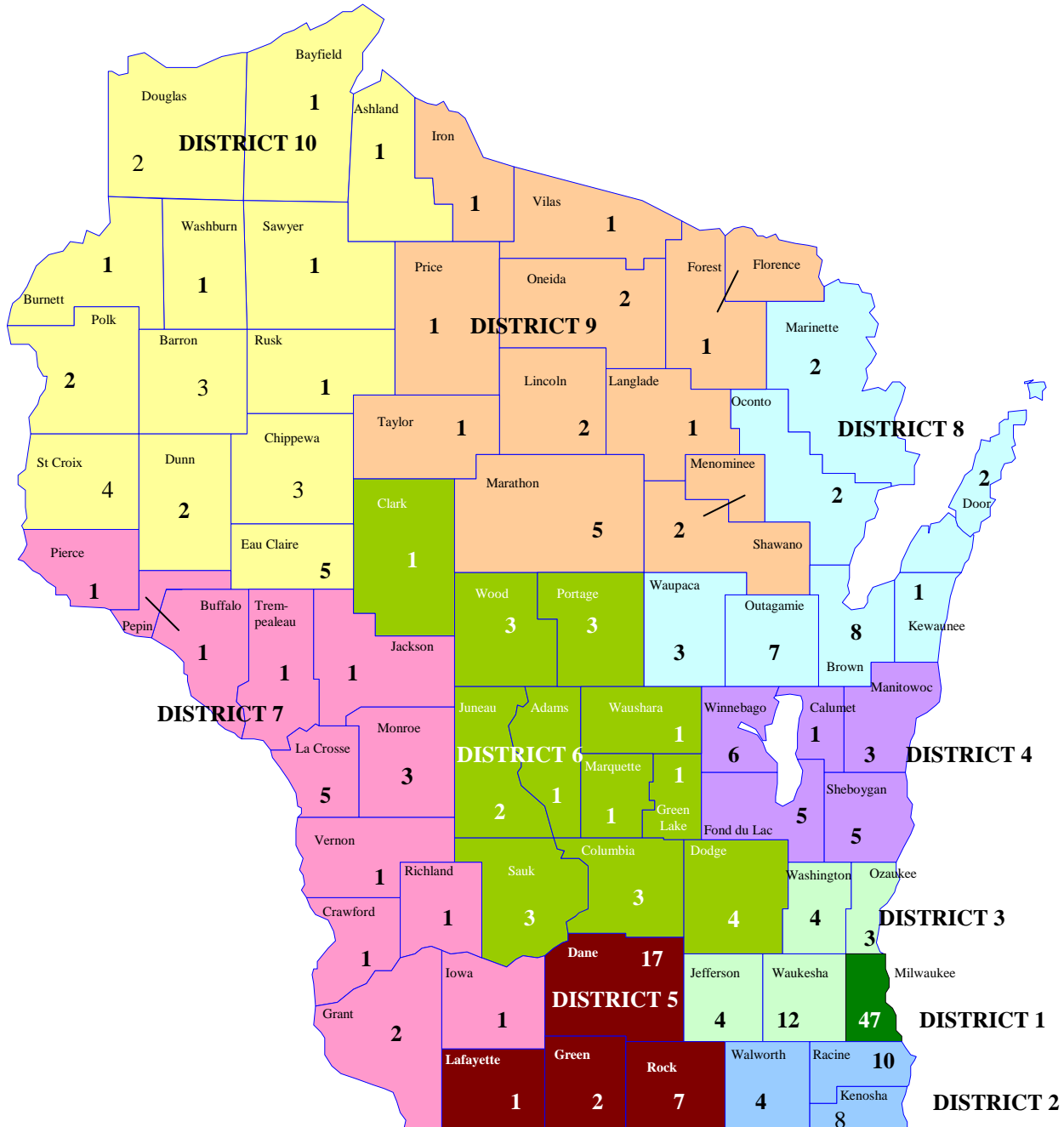
# APPENDIX I

## Court of Appeals Districts



## APPENDIX II

### Circuit Court Branches and Judicial Administrative Districts



10 Judicial Administrative Districts for Circuit Court Branches

249 Total Circuit Court Branches

## APPENDIX III

### 2012 Circuit Court Caseload Study By County

County	Caseload Study of Judicial Officer Need	Current Number of Judges	Current Number of Court Commissioners (Estimated)	Judicial Officer Need
Adams	1.42	1.00	0.05	0.37
Ashland	1.07	1.00	0.15	-0.08
Barron	3.13	3.00	0.12	0.01
Bayfield	0.86	1.00	0.10	-0.24
Brown	13.49	8.00	4.00	1.49
Buffalo-Pepin	1.06	1.00	0.16	-0.10
Burnett	1.23	1.00	0.26	-0.03
Calumet	1.68	1.00	0.50	0.18
Chippewa	3.63	3.00	0.39	0.24
Clark	1.23	1.00	0.10	0.13
Columbia	3.51	3.00	0.40	0.11
Crawford	0.72	1.00	0.05	-0.33
Dane	24.16	17.00	8.20	-1.04
Dodge	4.60	4.00	0.65	-0.05
Door	1.42	2.00	0.00	-0.58
Douglas	2.69	2.00	1.00	-0.31
Dunn	2.65	2.00	0.20	0.45
Eau Claire	6.69	5.00	1.00	0.69
Florence/Forest	1.14	1.00	0.46	-0.32
Fond du Lac	5.13	5.00	1.00	-0.87
Grant	2.08	2.00	0.05	0.03
Green	1.81	2.00	0.23	-0.42
Green Lake	1.06	1.00	0.10	-0.04
Iowa	1.27	1.00	0.11	0.16
Iron	0.36	1.00	0.02	-0.66
Jackson	1.61	1.00	0.19	0.42
Jefferson	4.41	4.00	1.88	-1.47
Juneau	1.88	2.00	0.48	-0.60
Kenosha	11.47	8.00	3.00	0.47
Kewaunee	0.78	1.00	0.30	-0.52
LaCrosse	6.05	5.00	1.01	0.04
Lafayette	0.76	1.00	0.00	-0.24
Langlade	1.35	1.00	0.18	0.17
Lincoln	1.82	2.00	0.15	-0.33
Manitowoc	4.16	3.00	1.20	-0.04
Marathon	7.20	5.00	1.00	1.20
Marinette	1.97	2.00	1.00	-1.03
Marquette	0.97	1.00	0.00	-0.03
Milwaukee	65.04	47.00	22.50	-4.46
Monroe	3.17	3.00	0.26	-0.09

County	Caseload Study of Judicial Officer Need	Current Number of Judges	Current Number of Court Commissioners (Estimated)	Judicial Officer Need
Oconto	1.81	2.00	0.75	-0.94
Oneida	2.40	2.00	0.51	-0.11
Outagamie	10.59	7.00	3.50	0.09
Ozaukee	3.00	3.00	1.00	-1.00
Pierce	1.61	1.00	0.77	-0.16
Polk	2.95	2.00	0.25	0.70
Portage	3.00	3.00	1.04	-1.04
Price	0.72	1.00	0.01	-0.29
Racine	14.11	10.00	3.48	0.63
Richland	0.96	1.00	0.05	-0.10
Rock	10.56	7.00	2.93	0.63
Rusk	0.85	1.00	0.00	-0.15
Sauk	4.34	3.00	0.66	0.68
Sawyer	1.44	1.00	0.16	0.28
Shawano/Menominee	2.42	2.00	0.36	0.06
Sheboygan	6.04	5.00	1.90	-0.86
St. Croix	4.35	4.00	0.80	-0.45
Taylor	0.89	1.00	0.22	-0.33
Trempealeau	1.39	1.00	0.27	0.12
Vernon	1.21	1.00	0.03	0.18
Vilas	1.32	1.00	0.09	0.23
Walworth	5.50	4.00	1.00	0.50
Washburn	1.12	1.00	0.06	0.06
Washington	5.50	4.00	1.34	0.16
Waukesha	16.00	12.00	5.00	-1.00
Waupaca	2.93	3.00	0.11	-0.18
Waushara	1.54	1.00	0.51	0.03
Winnebago	9.99	6.00	3.00	0.99
Wood	<u>4.33</u>	<u>3.00</u>	<u>0.07</u>	1.26
Statewide Total	323.60	249.00	82.32	-7.72

**Administrative District Chief Judge Workload Need**

District*	Caseload Study of Administrative Judge Need	Current Number of Administrative Judges	Administrative Judge Need
District 1	2.0	1.0	1.0
District 2	1.5	1.0	0.5
District 3	1.5	1.0	0.5
District 4	1.5	1.0	0.5
District 5	1.5	1.0	0.5
District 6	1.5	1.0	0.5
District 7	1.5	1.0	0.5
District 8	1.5	1.0	0.5
District 9	1.5	1.0	0.5
District 10	<u>1.5</u>	<u>1.0</u>	<u>0.5</u>
Statewide Total	15.5	10.0	5.5

\*For the location of Judicial Administrative Districts, see Appendix II.



**APPENDIX IV**

**State Expenditures on Circuit Courts, by County  
2011-12\***

County	Estimated Circuit Court Costs**	Circuit Court Support Payments	Guardian Ad Litem Cost Payments	Court Interpreter Fee Reimbursement	Total
Adams	\$333,501	\$52,275	\$19,054	\$602	\$405,432
Ashland	333,501	52,275	14,923	-	400,699
Barron	1,000,503	182,669	41,463	2,703	1,227,338
Bayfield	333,501	52,275	14,406	-	400,182
Brown	2,668,008	622,797	153,005	63,934	3,507,744
Buffalo	228,559	38,972	10,221	218	277,970
Burnett	333,501	52,275	16,172	-	401,948
Calumet	333,501	52,275	21,086	2,627	409,489
Chippewa	1,000,503	199,055	48,618	302	1,248,478
Clark	333,501	52,275	19,680	8,068	413,524
Columbia	1,000,503	192,073	50,616	9,817	1,253,009
Crawford	333,501	52,275	15,261	365	401,402
Dane	5,669,517	1,266,560	289,618	94,575	7,320,271
Dodge	1,334,004	272,901	70,019	10,659	1,687,583
Door	667,002	119,820	24,743	2,067	813,632
Douglas	667,002	136,138	27,861	-	831,001
Dunn	667,002	135,309	39,914	1,319	843,544
Eau Claire	1,667,505	325,922	87,240	13,335	2,094,002
Florence	103,113	23,071	4,624	-	130,808
Fond du Lac	1,667,505	329,510	83,785	18,053	2,098,853
Forest	230,388	39,204	9,128	-	278,720
Grant	667,002	144,295	32,774	4,239	848,310
Green	667,002	126,804	29,585	4,527	827,918
Green Lake	333,501	52,275	14,275	808	400,859
Iowa	333,501	52,275	16,728	817	403,321
Iron	333,501	52,275	8,844	-	394,620
Jackson	333,501	52,275	21,398	2,254	409,428
Jefferson	1,334,004	262,978	65,967	20,025	1,682,974
Juneau	667,002	116,580	30,568	2,118	816,268
Kenosha	2,668,008	525,922	143,212	46,437	3,383,579
Kewaunee	333,501	52,275	13,088	688	399,552
Lacrosse	1,667,505	342,633	72,913	7,298	2,090,349
Lafayette	333,501	52,275	14,266	1,454	401,496
Langlade	333,501	52,275	17,475	469	403,720
Lincoln	667,002	120,113	26,408	1,318	814,841
Manitowoc	1,000,503	224,986	54,612	9,437	1,289,538
Marathon	1,667,505	369,305	87,513	38,106	2,162,429
Marinette	667,002	136,689	31,343	1,848	836,882
Marquette	333,501	52,275	16,955	626	403,357
Menominee	6,531	10,828	-	253	17,613

**APPENDIX IV (continued)**

**State Expenditures on Circuit Courts, by County  
2011-12\***

County	Estimated Circuit Court Costs**	Circuit Court Support Payments	Guardian Ad Litem Cost Payments	Court Interpreter Fee Reimbursement	Total
Milwaukee	\$15,674,548	\$3,058,202	\$830,623	\$388,932	\$19,952,305
Monroe	1,000,503	178,506	41,405	3,987	1,224,401
Oconto	667,002	130,204	29,094	4,506	830,806
Oneida	667,002	129,875	33,214	457	830,548
Outagamie	2,334,507	499,141	126,150	23,792	2,983,590
Ozaukee	1,000,503	227,724	49,139	2,906	1,280,272
Pepin	104,942	23,303	4,931	90	133,266
Pierce	333,501	52,275	18,726	513	405,015
Polk	667,002	137,824	33,953	-	838,779
Portage	1,000,503	209,026	44,880	14,984	1,269,393
Price	333,501	52,275	12,851	134	398,761
Racine	3,335,010	649,427	179,223	89,375	4,253,035
Richland	333,501	52,275	14,623	2,363	402,762
Rock	2,334,507	481,491	129,025	44,141	2,989,164
Rusk	333,501	52,275	13,076	624	399,476
Sauk	1,000,503	197,764	58,642	23,621	1,280,530
Sawyer	333,501	52,275	15,351	748	401,875
Shawano	660,471	133,051	34,167	3,363	831,052
Sheboygan	1,667,505	347,123	80,727	15,510	2,110,865
St. Croix	1,334,004	261,313	60,354	3,206	1,658,877
Taylor	333,501	52,275	15,291	962	402,029
Trempealeau	333,501	52,275	21,447	5,360	412,583
Vernon	333,501	52,275	15,094	675	401,545
Vilas	333,501	52,275	15,793	-	401,569
Walworth	1,334,004	286,816	68,738	25,880	1,715,438
Washburn	333,501	52,275	15,638	-	401,414
Washington	1,334,004	320,648	69,272	14,327	1,738,252
Waukesha	4,002,012	950,215	191,939	39,865	5,184,032
Waupaca	1,000,503	189,709	43,974	4,752	1,238,938
Waushara	333,501	52,275	21,218	4,532	411,526
Winnebago	2,001,006	445,542	121,489	17,947	2,585,984
Wood	<u>1,000,503</u>	<u>215,812</u>	<u>52,592</u>	<u>1,314</u>	<u>1,270,221</u>
Total	\$83,041,750	\$16,697,000	\$4,222,000	\$1,110,232	\$105,070,984

\* The estimated circuit court costs identified in the table are for fiscal year 2011-12, while the circuit court payments, guardian ad litem payments, and court interpreter fee reimbursement are for calendar year 2011.

\*\* Estimated circuit court costs include costs associated with judges, court reporters, district court administrators, judicial education, Office of Court Operations, CCAP, and a portion of the Director of State Courts and Management Services offices. Statewide costs are prorated based on the number of branches.

## APPENDIX V

### Fines and Forfeitures

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
State fines and forfeitures for violations of any traffic, motor vehicle or driver's license regulations (s. 59.25(3)(j), chs. 341-347, 349 and 351))	Fines and forfeitures imposed by courts for violations of state laws regarding registration of vehicles, vehicle title and anti-theft law, operator's licenses, vehicles - financial responsibility, vehicles - civil and criminal liability, rules of the road, equipment of vehicles, vehicles - powers of state and local authorities, and habitual traffic offenders are deposited into the common school fund and the county.	As determined by the court and/or statutes	50% of the fine or forfeiture to the common school fund	50% of the fine or forfeiture retained by the county treasurer as fees for receiving and paying money into the state treasury
State forfeitures concerning vehicles - size, weight and load (s. 59.25(3)(k), 348.11 and 348.21))	Fines and forfeitures collected from citations issued by the State Patrol or county law enforcement officers for violations of state law are deposited in the common school fund, state transportation fund, and the remainder is retained by counties.	\$10 to more than \$300, depending on the violation	90% of the fine or forfeiture (50% to the common school fund and 40% to the state transportation fund)	10% retained by county where citation issued
All other state fines and forfeitures (except those specifically listed above) (s. 59.25 (3)(j))	Fines and forfeitures imposed by the courts for violations of state laws (except those laws listed above) are deposited to the county and the common school fund.	As determined by the court and/or statutes	90% of the fine, forfeiture or penalty to the common school fund	10% of the fine or forfeiture to be retained by the county treasurer for fees in receiving and paying monies into the state treasury
Ordinance violation forfeitures concerning vehicles - size, weight and load (s. 59.25(3)(L) and 66.0114(3)(c))	Forfeitures imposed by courts for ordinance violations relating to vehicles - size, weight and load are deposited into the state transportation fund, and the remainder is retained by the municipality or county.	\$10 to more than \$300, depending on the violation	100% in excess of \$150 per forfeiture to the state transportation fund provided the violation occurred on an interstate highway, a state trunk highway or a highway over which the local highway authority does not have primary maintenance responsibility	Up to \$150 per forfeiture retained by the municipality if the violation occurred on an interstate highway, a state trunk highway or a highway over which the local authority does not have primary maintenance responsibility. If the violation did not occur on one of the above mentioned highways, the municipality retains the entire amount of the forfeiture

## APPENDIX VI

### Court Fees

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Commencement of civil action fee (non-family) (s. 814.61(1)(a))	To be paid by the filer at the commencement of all civil actions and special proceedings in circuit court except garnishment, wage earner, small claims and forfeiture actions.	\$75	\$30 to the general fund and \$15 to Consolidated Court Automation Programs (CCAP)	\$30
Change of venue fee in civil action (s. 814.61(1)(a) and (2))	To be paid by the party that necessitated the change of venue.	\$75, except that no fee may be charged if the court orders a discretionary change of venue under s. 801.52	\$30 to the general fund and \$15 to CCAP	\$30
Commencement of family action fee (s. 814.61(1)(a),(b) & (c))	To be paid at the commencement of all family actions except for paternity determination, interstate family support, certain forfeiture proceedings termination of parental rights adoption actions certain commitment actions, and actions to compel DNA submissions. In addition to the civil action filing fee, a \$20 family court counseling fee is assessed.	\$95	\$30 to the general fund and \$15 to CCAP	\$50, \$20 of which is earmarked for family court counseling services
Commencement of family action fee, with request for support or maintenance (s. 814.61(1)(a), (b), and (13))	In addition to the \$95 commencement of family action fee, when a person not receiving benefits under W-2, medicare, medical assistance, or BadgerCare Plus files a petition requesting child support, maintenance or family support payments, an additional \$10 is charged.	\$105	\$30 to the general fund and \$15 to CCAP	\$60, \$20 of which is earmarked for family court counseling services and \$10 of which is earmarked for the cost of court services relating to child support, maintenance or family support payments
Change of venue fee in family action (s. 814.61(1)(a), (1)(b) and (2))	To be paid by the party that necessitated the change of venue.	\$95, except that no fee may be charged if the court orders a discretionary change of venue under s. 801.52	\$30 to the general fund and \$15 to CCAP	\$50, \$20 of which is earmarked for family court counseling services
Change of venue fee in family action, with request for support or maintenance (s. 814.61(1)(b), (2), and (13))	In addition to the \$95 change of venue in a family action fee, if a person not receiving benefits under W-2, medicare, medical assistance, or BadgerCare Plus files a petition requesting child support, maintenance or family support payments, an additional \$10 is charged.	\$105, except that no fee may be charged if the court orders a discretionary change of venue under s. 801.52	\$30 to the general fund and \$15 to CCAP	\$60, \$20 of which is earmarked for family court counseling services and \$10 of which is earmarked for the cost of court services relating to child support, maintenance or family support payments

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Revision of judgment or order in action affecting the family (s. 814.61(7) (a))	To be paid upon the filing of any petition or any motion, by either party, for the revision of a judgment or order in an action affecting the family (unless both parties have agreed to the revision), except for paternity actions.	\$30	\$15 to the general fund	\$15
Revision of legal custody and physical placement order/ moving the child's residence within or outside the state (s. 814.61(7)(b))	To be paid upon the filing of any petition, motion or order to show cause by either party under legal custody or physical placement, or moving the child's residence within or outside the state.	\$50	\$12.50 to the general fund	\$12.50 for general county purposes and \$25 for family court counseling services
Fee for commencing a garnishment action (s. 814.62(1))	To be paid when a person commences a garnishment action.	\$20	\$7.50 to the general fund and \$5 to CCAP	\$7.50
Fee for commencing a small claims action (s. 814.62(3) (a) and (d)2.)	To be paid by the plaintiff at the time of issuance of a summons or other process in a proceeding not commenced by a summons.	\$22	\$11.80 to CCAP	\$10.20
Change of venue fee in small claims actions (s. 814.61 (2) and 814.62(3)(a) and (d)2.)	To be paid by the party that necessitated the change of venue.	\$22, except that no fee may be charged if the court orders a discretionary change of venue under s. 801.52	\$11.80 to CCAP	\$10.20
Fee for filing a counterclaim or cross complaint in a small claims action (s. 814.62(3)(b) and (d)3.)	To be paid by the person filing the counterclaim or cross complaint.	\$53	\$17.20 to the general fund and \$10 to CCAP	\$25.80
Third party complaint in a large claim or no money judgment requested (s. 814.61(3))	To be paid by defendant when defendant files a third party complaint. The defendant shall pay only one such fee in an action.	\$45	\$20 to the general fund and \$5 to CCAP	\$20
Fee in forfeiture actions (s. 814.63(1)(b) and (5))	To be paid by the defendant when judgment is entered against the defendant, except for smoking or safety belt violations.	\$25	\$12.50 to the general fund and \$5 to CCAP	\$7.50
Fee for criminal actions (s. 814.60(1))	To be paid by the defendant when a judgment is entered against the defendant.	\$163	\$153 to the general fund	\$10

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Municipal court fee (s. 814.65(1))	Except for certain safety belt violations, to be paid by the defendant on each separate matter, including default of appearance, guilty or no contest pleas, issuance of warrants or summons, or if the action is tried as a contested matter.	\$15-28, as determined by the municipal court	\$5 of the \$15 to \$28 fee to the general fund	None; municipality retains all but \$5
Appeal from municipal court or administrative decision, and appeal or review is by certiorari or on the record (s. 814.61(8)(am)1. and 814.61(8)(c))	To be paid when a person wishes to appeal a decision from municipal court or on review of any administrative decision, and the appeal or review is by certiorari or on the record.	\$40	\$17.50 to the general fund and \$5 to CCAP	\$17.50
Appeal from municipal court or administrative decision, and a new trial is authorized and requested (s. 814.61(8)(am)2. and 814.61(8)(d))	To be paid by a person who wishes to appeal a decision from municipal court or on review of any administrative decision, and a new trial is authorized and requested.	\$55	\$25 to the general fund and \$5 to CCAP	\$25
Fees of register in probate (s. 814.66)	The register in probate collects fees for the following: (a) filing a probate petition or for a certificate or judgment of descent of lands; (b) filing a petition for guardianship of estate or application for conservatorship; (c) for a certificate terminating a life estate or homestead; (d) filing an objection to probate of a will; (e) receiving a will for safekeeping; (f) for each certificate issued by registers in probate or circuit court judges; (g) for copies of records or papers in the custody and charge of registers in probate; (h) for copies requested by the state public defender, other than transcripts; (i) filing claims against estates; (j) searching files or records when the requester does not furnish the case number; (k) receiving power of attorney for health care instrument or a declaration for safekeeping; (l) filing a petition for visitation by a minor's grandparents or stepparents; and (m) depositing money for a guardianship; and (n) withdrawing money that has been deposited for a guardianship.	(a) \$20, if estate is \$10,000 or less, or 0.2% the value of the property, if estate is more than \$10,000; (b) \$20, if estate is \$50,000 or less, or 0.2% the value of the estate, if more than \$50,000; (c) \$3; (d) 20; (e) \$10; (f) \$3; (g) \$1; (h) a fee equal to the actual, necessary, and direct costs of copying; (i) \$3; (j) \$4; (k) \$8; (l) \$60; (m) \$10 or 0.5% of deposit, whichever is greater; and (n) \$10.	66.67% to the general fund	33.33%

## APPENDIX VII

### Court Surcharges and Payments

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Court support services surcharge (s. 814.85(1))	If filing a civil action, third party complaint, appeal from municipal court, small claims action, small claim counterclaim or cross complaint, forfeiture action, garnishment action, or wage earner action, a court support services surcharge also applies. [Exceptions: actions for safety belt use violations, special identification cards for physically disabled violations, or for an action for a financial responsibility violation of motor vehicle liability insurance.	\$169 for civil actions in which the amount claimed is greater than \$5,000, \$51 for civil actions in which the amount claimed is equal to or less than \$5,000, and \$68 for civil actions in which there is no money judgment requested	100% to the general fund	None
Penalty surcharge (s. 757.05(1) and (2), 814.75(18), 814.76(14), 814.77(11), 814.78(10), 814.79(7), 814.80(9) and 814.81 (9))	Surcharge on fines or forfeitures imposed by courts for violations of state laws or municipal or county ordinances. [Exceptions: for violations involving smoking in restricted areas, failing to properly designate smoking or nonsmoking areas, for an action for a financial responsibility violation of motor vehicle liability insurance, nonmoving traffic violations, special identification cards for physically disabled violations or safety belt use.	26% of the fine or forfeiture	100% to various state agencies (45.83% to the Department of Justice for the Law Enforcement Training Fund and the remainder to fund justice-related automation systems, victim-witness services, correctional officer and public defender training, AODA programs within the Department of Public Instruction, and provide match money for federal anti-drug enforcement programs)	None
Justice information system surcharge (s. 814.86(1))	If filing for civil, small claims, forfeiture, wage earner, or garnishment actions, or for an appeal from municipal court, third party complaint in a civil action, or for filing a counterclaim or cross complaint in a small claims action, a justice information surcharge also applies. [Exceptions: actions for safety belt use violations, special identification cards for physically disabled violations, or an action for a financial responsibility violation of motor vehicle issuance.	\$21.50	\$15.50 to Department of Administration (DOA) for justice system programs, and \$6 to CCAP	None
Special prosecution clerks surcharge (Milwaukee County only) (s. 814.86(1m))	Whenever the clerk of circuit court for Milwaukee County charges and collects the justice information surcharge, he or she must also collect a special prosecution clerks surcharge.	\$2	100% to fund clerks in the Milwaukee County District Attorneys Office	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Crime lab and drug law enforcement surcharge in criminal and forfeiture actions (s. 165.755, 814.75(3), 814.76(2), 814.77(2), 814.78(3), 814.79(2), 814.80(3) and 814.81(3))	If a court imposes a sentence, places a person on probation or imposes a forfeiture for a violation of state law or municipal or county ordinance (except for violations involving smoking in restricted areas, failing to properly designate smoking or nonsmoking areas, nonmoving traffic violations or safety belt use, or an action for a financial responsibility violation of motor vehicle issuance, the court must also impose a crime laboratories and drug law enforcement surcharge for each offense.	\$13	100% to the state to help fund drug law enforcement, drug law violation prosecution assistance, crime laboratories, and the DNA databank activities	None
Crime victim and witness surcharge - Part A (s. 973.045(1r)(a)1.)	If a court imposes a sentence or places a person on probation, the court shall also impose a crime victim and witness surcharge.	\$40 for each misdemeanor offense and \$65 for each felony offense	100% to fund crime victim and witness services	None
Crime victim and witness surcharge - Part B (s. 973.045(1r)(a)2.)	If a court imposes a sentence or places a person on probation, the court shall also impose a crime victim and witness surcharge.	\$20 for each misdemeanor offense and \$20 for each felony offense	100% to fund sexual assault victim services	None
Crime victim and witness surcharge - Part C (s. 973.045(1r)(a)3.)	If a court imposes a sentence or places a person on probation, the court shall also impose a crime victim and witness surcharge	\$7 for each misdemeanor offense and \$7 for each felony offense	100% to fund county victim and witness assistance programs, and crime victim compensation awards	None
DNA analysis surcharge in criminal actions (s. 814.75(7), 814.76(5) and 973.046))	If a court imposes a sentence or places a person on probation for committing certain sex offenses, the court must also impose a DNA surcharge on the defendant. In addition to those sex offenses for which the court must impose the DNA analysis surcharge, the court may also impose the surcharge any time the court imposes a sentence or places a person on probation for a felony conviction.	\$250	100% to state to help fund drug law enforcement, crime laboratories, and DNA database activities	None
Drug abuse program improvement surcharge in criminal actions (s. 814.75(10), 814.76(8) and 961.41(5)(a))	When a court imposes a fine for a violation concerning the manufacture, distribution or delivery of controlled substances, the court must also impose a drug abuse program improvement surcharge on the defendant.	75% of the fine and penalty assessment imposed	100% for DHS alcohol and drug abuse initiatives	None
Drug offender diversion surcharge (s. 814.75(11), 814.76(9), and 973.043)	If a court imposes a sentence or places a person on probation for a violation of Chapter 943 (Crimes against Property), the court must also impose a drug offender diversion surcharge for each conviction.	\$10	100% to an appropriation under OJA to provide grants to counties and contract for an evaluation of the grant program	None



Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Domestic abuse surcharge in criminal and forfeiture actions (s. 814.75(8), 814.76(6), 814.80(6), 814.81(6), and 973.055))	The domestic abuse surcharge applies only in those cases in which the defendant's conduct was directed against a spouse or former spouse, against an adult with whom the defendant resides or formerly resided, or against an adult with whom the defendant has created a child. If a court imposes a sentence on an adult person or places an adult person on probation for violating certain crimes against life and bodily security, crimes against property, bail jumping, or crimes against public peace, order and other interests, regardless of whether any fine is imposed, the court shall also impose a domestic abuse assessment for each offense (unless the court determines the assessment would have a negative impact on the offender's family).	\$100 for each offense	100% to the state for domestic abuse grants	None
Child pornography surcharge (s. 814.75(1j), 814.76(1j), and 973.042)	If a court imposes a sentence or places a person on probation for either sexual exploitation of a child or possession of child pornography, the court must impose a child pornography surcharge on each image associated with the crime.	\$500 for each image	50% to Department of Corrections to operate institutions and provide field and administrative services 30% to Department of Justice law enforcement services to investigate offenses 20% to OJA to provide grants to nonprofit organizations providing services to victims of sexual assault.	None
Weapons surcharge in criminal and forfeiture actions (s. 167.31(5), 814.75(25), 814.76(18) and 814.77(14))	If a court imposes a fine or forfeiture for violating laws concerning safe use and transportation of firearms and bows, the court must also impose a weapons surcharge.	75% of the amount of fine or forfeiture (which can be up to \$1,000)	100% to the fish and wildlife account of the state conservation fund	None
Restitution administrative surcharge (s. 973.20(11)(a), 814.75(20) and 814.76(15))	Restitution surcharge in a criminal action if an offender is sentenced to prison or placed on probation.	5% of the total amount of any restitution, costs, attorney fees and any fines and related payments ordered under s. 973.05(1)	To the Department of Corrections for administrative expenses	None
Juvenile delinquency victim and witness assistance surcharge (s. 938.34(8d)), 814.75(6), 814.77(4), 814.78(5), 814.79(4) and 814.80(5))	For a juvenile adjudged delinquent, the court must impose a delinquency victim and witness assistance surcharge.	\$20	100% to fund crime victim and witness services	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Reimbursement of legal fees for state- provided counsel in juvenile actions - delinquency, JIPS or CHIPS (s. 48.275 (2) and 938.275(2))	If the state or county provides legal counsel to a child or an expectant mother in CHIPS proceedings, or to juveniles in delinquency or JIPS proceedings, the court must also order the non-indigent parents to reimburse the state or county for the representation, unless the parent is the complaining or petitioning party or if the court finds that the interests of the parent and the interests of the child in the proceeding are substantially and directly adverse and that reimbursement would be unfair to the parent.	As determined by the court	75% to the state when state counsel is provided for JIPS and delinquency proceedings regardless of county size (money credited to SPD private bar and investigator reimbursement appropriation). 75% to the state when state counsel is provided for CHIPS proceedings in counties with a population less than 500,000 (money credited to SPD private bar and investigator reimbursement appropriation). 100% to the state when state counsel is provided for CHIPS proceedings in counties having a population equal to or greater than 500,000 (25% credited to Milwaukee child welfare services and 75% credited to SPD private bar and investigator reimbursement appropriation)	25% to the county when state counsel is provided in CHIPS proceedings in counties with a population of less than 500,000. 25% to the county when state counsel is provided in JIPS and delinquency proceedings (regardless of county population)
Consumer protection surcharge in criminal and forfeiture action (s. 100.261(1) and (3)(c), 814.75(1), 814.76(1m), 814.78(1m), 814.80(1) and 814.81(1))	Whenever a court imposes a fine or forfeiture for violations relating to consumer protection, the court must also impose a consumer protection surcharge.	25% of the total amount of the fine or forfeiture	100% of the first \$185,000 annually to the Department of Agriculture, Trade and Consumer Protection for consumer protection information and education. The remainder is deposited to the general fund	None
Bisphenol A surcharge (s. 100.335(7) and 814.75(1d))	If a court imposes a fine or forfeiture for violations of laws related to child's containers containing bisphenol A, the court must also impose a bisphenol A surcharge.	50% of the amount of a fine or forfeiture (which can range from \$50 to \$10,000)	100% to the Department of Agriculture, Trade and Consumer Protection for enforcement and administration of the laws relating to child's containers containing bisphenol A.	None
Supplemental food enforcement surcharge in criminal and forfeiture actions (s. 253.06(4)(c), 814.75(22m), 814.76(15m) and 814.80(11))	Whenever a court imposes a fine, forfeiture or recoupment for violating laws or rules concerning the Women Infants and Children (WIC) program, the court must also impose a supplemental food enforcement surcharge.	50% of the total fine, forfeiture or recoupment amounts imposed	100% to finance fraud reduction in the WIC program	None

Name and Statutory Citation	How Applied	Fee Amount	State Share and Recipients	County Share
Uninsured employer surcharge in criminal and forfeiture actions (s. 102.85(4)(a), 814.75(24) and 814.76(17))	If a court imposes a fine or forfeiture for employer insurance or worker's compensation violations, the court must also impose an uninsured employer surcharge on the defendant.	75% of the amount of fine or forfeiture (which can range from \$10 to \$10,000)	100% to the state uninsured employers fund (which pays the claims of employees of uninsured employers)	None
Driver improvement surcharge in criminal and forfeiture actions (s. 346.655(1) and (2), 814.75(9), 814.76(7), 814.78(7), 814.79(4m))	If a court imposes a fine or forfeiture for certain violations relating to operating while intoxicated, it shall also impose a driver improvement surcharge.	\$365	40% of the surcharge amount for activities related to alcohol abuse, OWI enforcement and crime victim compensation services	60% of the surcharge amount for community mental health, developmental disabilities, alcoholism and drug abuse services
Truck driver education surcharge in criminal and forfeiture actions (s. 349.04(1), 814.75(23), 814.76(16), 814.78(12) and 814.79(10))	If a court imposes a fine or forfeiture for violating laws concerning rules of the road, equipment of vehicles, or vehicles – size, weight and load, the court must impose a truck driver education surcharge.	\$8	100% to the state for truck driver training grants to Chippewa Valley Technical College, Fox Valley Technical College, and Waukesha County Technical College	None
Occupational drivers license fee (habitual traffic offender) (s. 351.07 (1g))	Persons considered habitual traffic offenders that file a petition for an occupational license must pay a fee.	\$40	50% of the fee to the transportation fund	50% of the fee to be retained by the county
Railroad crossing improvement surcharge in forfeiture actions (s. 346.177, 346.495, 814.75(19) and 814.79(8))	Whenever a court imposes a forfeiture for certain violations concerning driving or stopping on railroad crossings, the court must also impose a railroad crossing improvement surcharge.	50% of the amount of the forfeiture, which may be up to \$1,000	100% to the Department of Transportation for railroad crossing protection, installation, and maintenance	None
Snowmobile registration restitution surcharge in forfeiture actions (s. 350.115, 814.75(21) and 814.77(12))	If a court imposes a forfeiture for a snowmobile violation in which a registration fee is required, the court must also impose a snowmobile registration restitution surcharge on the defendant.	Equal to the amount of the fee that was required and should have been obtained	100% to the snowmobile account of the state conservation fund, which funds such things as snowmobile trail and project aids and county snowmobile enforcement aids	None
Environmental surcharge in criminal and forfeiture actions (s. 299.93, 814.75(12), 814.76(10) and 814.77(5))	If a court imposes a fine or forfeiture for a violation of laws concerning pure drinking water, water and sewage, pollution discharge elimination, air pollution, solid waste facilities, hazardous waste management, remedial action, metallic mining, nonmetallic mining, reclamation or oil and gas exploration and production, the court must also impose an environmental surcharge on the defendant.	10% of the amount of the fine or forfeiture if the violation was committed before July 1, 2009; 20% of the amount of fine or forfeiture if the violation was committed on or after July 1, 2009	100% to the environmental management account of the state environmental fund, which funds contaminated land cleanup and administration, the Brownfields grant program, groundwater standards development and implementation, and environmental education grants	None

<b>Name and Statutory Citation</b>	<b>How Applied</b>	<b>Fee Amount</b>	<b>State Share and Recipients</b>	<b>County Share</b>
Natural Resources surcharge in criminal and forfeiture actions (s. 29.987, 814.75(16), 814.76(12), 814.77(9))	If a court imposes a fine, forfeiture or order for violating laws concerning wild animals and plants, the court is also required to impose a natural resources surcharge.	Equal to 75% of the fine or forfeiture amount	100% to the fish and wildlife account of the state conservation fund	None
Natural Resources restitution surcharge in criminal and forfeiture actions (s. 29.989, 814.75(17), 814.76(13) and 814.77(10))	If court imposes a fine or forfeiture or an order for violating laws concerning wild animals and plants, the court is also required to impose a natural resources restitution surcharge (when a restitution surcharge is required).	Equal to the amount of the statutory fee for the approval which was required and should have been obtained	100% to the fish and wildlife account of the state conservation fund, which funds such things as fish and game management, law enforcement and licensing	None
Wild animal protection surcharge in criminal and forfeiture actions (s. 29.983, 814.75(26), 814.76(19) and 814.77(15))	If a court imposes a fine or forfeiture for violating laws concerning wild animals and plants or issues an order regarding the unlawful killing, wounding, catching, taking, trapping or possession of a wild animal, the court may impose a wild animal protection surcharge on the defendant.	\$8.75 to \$2,000, depending on the type of animal	100% to the fish and wildlife account of the state conservation fund	None
Wildlife violator compact surcharge (s.29.99, 814.75(27), 814.76(20), and 814.77(16))	If a court imposes a fine or forfeiture for a violation under Chapter 29 (Wild Animals and Plants), the court must also impose a wildlife violator compact surcharge.	\$5	100% to the conservation fund	None
Commercial fish protection surcharge (s.29.984, 814.75(1g), 814.76(1g), and 814.77(1g))	If a court imposes a fine or forfeiture for the unlawful killing, catching, taking, transporting, sale, or possession of Great Lakes fish or fish in outlying waters, or for failing to comply with any statutory record-keeping requirements, the court may impose a commercial fish protection surcharge.	(a) For any commercial fish, except as provided in (c), an amount equal to the average wholesale value of the fish on the date of the violation; (b) For salmon, trout or noncommercial game fish, except as provided in (c): (i) \$43.75 for muskellunge or lake sturgeon; (ii) \$26.25 for largemouth or smallmouth bass, or brook, rainbow, brown or steel head trout; (iii) \$8.75 for walleye pike, northern pike or any other unmentioned game fish; (c) If the value of the fish exceeds \$300, an amount equal to three times the average wholesale value of the fish	100% to the conservation fund	None

<b>Name and Statutory Citation</b>	<b>How Applied</b>	<b>Fee Amount</b>	<b>State Share and Recipients</b>	<b>County Share</b>
Great Lakes resource surcharge (s. 29.9905, 814.75(13m), and 814.77(6m))	If a court imposes a fine or forfeiture for a violation of wholesale fish deal license involving Great Lakes fish, or a violation of outlying water sport trolling licenses or commercial fishing in outlying waters, the court must also impose a Great Lakes resource surcharge.	Equal to 75% of the fine or forfeiture	100% to the conservation fund for research of Great Lakes fish	None
Fishing net removal surcharge (s. 29.991, 814.75(12n), and 814.77(5m))	If a court imposes a forfeiture for failure to reimburse the Department of Natural Resources for costs associated with the seizure of a net or similar fishing device, the court must impose a fishing net removal surcharge.	Amount equal to the sum of seizure costs, plus an amount equal to 75% of the forfeiture amount.	100% to the conservation fund	None
Fishing shelter removal surcharge in forfeiture actions (s. 29.985, 814.75(13) and 814.77(6))	If a court imposes a forfeiture (up to \$100) on a person that fails to reimburse the DNR for the costs associated with the seizure and destruction or sale of an ice fishing shanty that is considered a public nuisance, the court must also impose a fishing shelter removal surcharge on the defendant.	Equal to the costs that the fishing shelter owner should have reimbursed the DNR	100% to the fish and wildlife account of the state conservation fund	None

## APPENDIX VIII

### Wholly Retained County or Municipal Fees Collected by the Clerk of Circuit Court

Statutory Section	Type of Fee	Amount of Fee	Special Handling
778.105	Forfeitures for violation of municipal or county ordinances	As determined by the court and/or statutes	Revenues from forfeitures imposed by any court for the violation of any municipal or county ordinance shall be paid to the municipality or county, unless otherwise specified.
302.46(1), 814.75(14), 814.76(11), 814.77(7), 814.78(8), 814.79(5), 814.80(7) and 814.81(7)	Jail surcharge in criminal and forfeiture actions. If a court imposes a fine or forfeiture for state law or municipal or county ordinance violations (except for violations involving smoking in restricted areas, failing to properly designate smoking or nonsmoking areas, actions for financial responsibility violation of motor vehicle liability insurance, nonmoving traffic violations or safety belt use, the court must also impose a jail surcharge on each fine or forfeiture, paid to the county treasurer.	The greater of 1% of the fine or forfeiture or \$10	Counties may use these revenues for construction, remodeling, repair or improvements of county jails.
814.61(4)	Jury fee, for all civil actions except garnishment	\$6 per juror paid by the party demanding the trial	Non-refundable. If jury fee is not paid, no jury will be called.
814.61(5)	Judgments, writs, executions, liens, warrants, awards, certificates	\$5	
814.61(6) and 806.24	Foreign judgments filing fee	\$15	Filing under uniform enforcement of foreign judgments act.
814.61(9)	Certifying and transmitting documents	\$15 plus postage	
814.61(10)	Copies, except for the State Public Defender (which is charged the actual costs).	\$1.25 per page	
814.61(11)	File or record searches	\$5	
814.61(12)(a)	Receiving and disbursing money -	\$10 or 0.5% of amount deposited	If funds are deposited by court order or by law, the type of account

Statutory Section	Type of Fee	Amount of Fee	Special Handling
	trust funds and small estates	(whichever is greater), and an additional \$10 upon each withdrawal of any or all of the money deposited with the clerk.	shall be in the clerk's discretion unless the court order specifies differently.
814.61(12)(c)	Receiving and disbursing deposits in contempt proceedings	\$10 per deposit	For receiving and disbursing deposits made under s. 818.12 in contempt proceedings under chapter 785. The \$10 fee shall be deducted from the deposit, unless the entire deposit is ordered returned to the defendant, before applying the deposit to the satisfaction of a judgment under s. 818.14.
814.61(14)	Occupational drivers license fees (petitions under s. 343.10(4))	\$40	
767.405(5), 814.615(1)(a)2 and (2)	Family mediation sessions (except the first mediation session upon referral for which there is no fee)	\$200 (single fee regardless of the number of mediation sessions held)	The county treasurer deposits collected fees in a separate account for the exclusive purpose of providing family court mediation services and studies. In lieu of \$200, counties can establish a fee schedule to recover their reasonable costs. Counties must reduce fees based on parties' ability to pay.
767.405(5), 814.615(1)(a)3 and (2)	Legal custody and physical placement study	\$300	The county treasurer deposits collected fees in a separate account for the exclusive purpose of providing family court mediation services and studies. In lieu of \$300, counties can establish local schedule to recover their reasonable costs. Counties must reduce fees based on parties' ability to pay.
814.615(2) and 767.405	Family court services fee	Based on services actually provided	Deposited by the county treasurer in a separate account to be used by the county exclusively for the purposes of family court services.
814.62(2)	Fee for commencing a wage earner amortization proceeding	\$10	The clerk of court collects the fee from the wage earner voluntarily commencing a proceeding for amortization of debts.
814.62(3)(e)	Demand for a jury trial in a small claims action	\$53	The party demanding the jury trial shall pay a fee equal to the difference between the civil filing fee and the small claims filing fee in addition to the 6-person jury fee.
814.61(4)	Nonrefundable fee for a jury in all actions, except a garnishment action, 6-person jury (\$6 per juror)	\$36	
814.62(4)	Small claims service of summons by mail	\$2 for each defendant	Cost of certified mail may be rounded up to the nearest dollar.
	Small claims service of summons by certified mail return receipt	\$2 for each defendant plus cost of certified mail	

Statutory Section	Type of Fee	Amount of Fee	Special Handling
814.63(2)	Non-refundable fee for forfeiture action in circuit court for violation of a municipal ordinance (except for violations involving safety belts use or first time violations for operating a motor vehicle, all-terrain vehicle, motorboat, or snowmobile if the operator had a blood alcohol concentration of 0.08 or more but less than 0.1)	\$5	Upon disposition of a forfeiture action in circuit court, the municipality shall pay a non-refundable fee to the clerk of court.
48.275(2)(d) and 938.275(2)	Parent reimbursement of legal fees in juvenile actions (for county-provided counsel)	Court-ordered amount, based on ability to pay	
346.65(2g)(b)	Fee to offset cost of providing community service work that demonstrates the adverse effects of substance abuse or operating a vehicle under the influence of an intoxicant or other drug	Reasonable fee, based on the person's ability to pay	
346.65(2g)(c)	Fee to offset cost of providing community service work that benefits children or that demonstrates the adverse effects on children of substance abuse or of operating a vehicle while under the influence of an intoxicant or other drug	Reasonable fee, based on the person's ability to pay	
346.65(2i)	Fee to offset cost of providing site visits that demonstrate the adverse effects of substance abuse or of operating a vehicle under the influence of an intoxicant or other drug	Reasonable fee, based on the person's ability to pay	
973.06(1)(g)	Restitution fee	10% of any restitution ordered	Payable to the county treasurer for use by the county.
973.20(11)(a)	Restitution administrative surcharge in a criminal action if offender is not placed on probation or sentenced to prison	5% of total amount of any restitution, costs and attorneys fees and any fines and related payments ordered if restitution is paid to the clerk of court for transfer to the appropriate person	To the clerk of court for administrative expenses if offender is not placed on probation or sentenced to prison.



## APPENDIX IX

### Revenue Generated from Circuit Court Operations Remitted to State, by County in 2011-12

County	Fines and Forfeitures	Circuit Court Fees	Court Support Services Surcharge	Other Fees and Surcharges	Total
Adams	\$72,900	\$62,400	\$243,400	\$218,700	\$597,400
Ashland	78,600	52,600	173,200	188,200	492,600
Barron	134,500	120,600	384,700	348,600	988,400
Bayfield	50,500	48,300	164,100	207,000	469,900
Brown	483,100	420,200	1,361,100	1,269,300	3,533,700
Buffalo	52,100	37,100	129,100	132,500	350,800
Burnett	48,600	39,400	174,400	155,400	417,800
Calumet	44,200	58,500	213,500	185,400	501,600
Chippewa	121,600	156,600	623,600	561,200	1,463,000
Clark	108,700	105,700	354,800	333,900	903,100
Columbia	371,300	153,000	611,500	660,600	1,796,400
Crawford	53,800	42,900	197,200	154,100	448,000
Dane	790,100	688,000	2,930,500	2,561,700	6,970,300
Dodge	219,600	210,500	879,500	745,400	2,055,000
Door	100,000	85,700	277,600	292,200	755,500
Douglas	182,800	127,800	548,300	478,400	1,337,300
Dunn	194,000	169,000	734,300	626,500	1,723,800
Eau Claire	285,300	275,100	1,103,200	1,044,300	2,707,900
Florence	21,200	13,700	40,600	45,200	120,700
Fond du	293,400	291,900	1,104,900	975,100	2,665,300
Forest	55,700	38,300	94,600	144,600	333,200
Grant	200,500	140,900	471,700	504,300	1,317,400
Green	57,100	81,800	328,800	311,600	779,300
Green Lake	36,000	47,700	156,400	139,200	379,300
Iowa	42,900	60,200	211,500	181,800	496,400
Iron	12,000	12,500	62,000	46,100	132,600
Jackson	98,000	86,100	355,500	316,900	856,500
Jefferson	219,400	177,000	706,100	642,000	1,744,500
Juneau	132,100	82,200	409,500	312,700	936,500
Kenosha	331,400	432,600	1,531,800	1,217,400	3,513,200
Kewaunee	16,200	31,900	142,300	131,900	322,300
LaCrosse	217,900	194,500	626,900	623,300	1,662,600
Lafayette	34,900	46,400	191,500	178,800	451,600
Langlade	39,800	56,900	185,100	168,200	450,000
Lincoln	130,700	60,300	260,600	261,700	713,300
Manitowoc	210,100	151,500	535,100	533,100	1,429,800
Marathon	485,600	240,700	1,011,900	944,300	2,682,500
Marinette	107,900	89,900	315,300	314,100	827,200
Marquette	54,900	45,900	199,700	170,200	470,700
Menominee	5,400	5,300	23,200	21,300	55,200

County	Fines and Forfeitures	Circuit Court Fees	Court Support Services Surcharge	Other Fees and Surcharges	Total
Milwaukee	\$703,400	\$1,258,500	\$7,100,300	\$4,781,700	\$13,843,900
Monroe	204,800	144,200	426,600	445,600	1,221,200
Oconto	178,400	93,400	313,500	332,500	917,800
Oneida	156,000	116,100	425,500	399,000	1,096,600
Outagamie	304,900	392,700	1,256,200	1,190,900	3,144,700
Ozaukee	159,900	165,500	456,500	475,700	1,257,600
Pepin	13,800	15,400	49,200	44,300	122,700
Pierce	78,300	61,900	225,300	204,400	569,900
Polk	83,900	95,600	417,800	305,500	902,800
Portage	144,600	132,400	560,900	503,500	1,341,400
Price	58,600	34,100	122,500	134,000	349,200
Racine	328,300	577,500	2,071,700	1,788,400	4,765,900
Richland	55,000	51,400	184,500	187,500	478,400
Rock	502,700	422,800	1,584,300	1,417,300	3,927,100
Rusk	31,800	30,600	133,400	112,000	307,800
Sauk	223,700	259,000	844,800	827,500	2,155,000
Sawyer	93,500	52,700	171,000	224,100	541,300
Shawano	237,000	172,400	482,500	578,200	1,470,100
Sheboygan	194,900	264,400	740,300	728,400	1,928,000
St. Croix	250,200	192,700	792,100	598,400	1,833,400
Taylor	51,200	44,600	163,700	163,500	423,000
Trempealeau	85,900	73,500	305,100	260,100	724,600
Vernon	49,300	37,800	136,000	126,300	349,400
Vilas	66,000	44,300	223,300	190,500	524,100
Walworth	338,800	249,400	771,700	848,700	2,208,600
Washburn	64,700	45,300	169,100	157,800	436,900
Washington	180,500	211,700	727,400	658,900	1,778,500
Waukesha	648,300	480,600	1,668,900	1,573,100	4,370,900
Waupaca	119,300	103,300	436,000	394,700	1,053,300
Waushara	85,100	100,500	274,200	310,000	769,800
Winnebago	437,000	382,000	1,451,300	1,348,700	3,619,000
Wood	<u>371,100</u>	<u>186,900</u>	<u>466,300</u>	<u>661,300</u>	<u>1,685,600</u>
Grand Total	\$12,695,700	\$11,734,800	\$45,220,900	\$40,319,700	\$109,971,100

## APPENDIX X

### Revenue Generated from Circuit Court Operations Retained by Counties in Fiscal Year 2011-12

County	Fines and Forfeitures	Circuit Court Fees	Other Fees & Surcharges	County Total
Adams	\$108,600	\$39,200	\$55,400	\$203,200
Ashland	78,200	30,000	48,800	157,000
Barron	169,300	68,200	88,500	326,000
Bayfield	82,500	25,000	65,500	173,000
Brown	504,300	268,700	323,500	1,096,500
Buffalo	65,600	19,600	41,300	126,500
Burnett	86,500	27,200	46,000	159,700
Calumet	76,300	38,100	46,700	161,100
Chippewa	197,200	95,800	166,100	459,100
Clark	183,100	52,400	83,000	318,500
Columbia	347,000	99,100	153,300	599,400
Crawford	70,500	28,200	39,700	138,400
Dane	1,207,100	511,200	721,700	2,440,000
Dodge	406,900	134,900	197,900	739,700
Door	137,900	44,400	86,000	268,300
Douglas	142,900	85,800	127,900	356,600
Dunn	244,700	99,700	177,700	522,100
Eau Claire	396,800	163,800	290,900	851,500
Florence	33,600	6,500	12,100	52,200
Fond du	573,100	171,800	247,300	992,200
Forest	98,300	16,100	29,700	144,100
Grant	204,500	72,200	134,300	411,000
Green	135,300	50,400	97,200	282,900
Green Lake	83,700	26,900	35,000	145,600
Iowa	79,400	32,400	50,300	162,100
Iron	21,700	9,200	13,300	44,200
Jackson	175,200	49,300	81,300	305,800
Jefferson	333,600	116,900	158,900	609,400
Juneau	150,400	61,500	61,900	273,800
Kenosha	631,000	261,700	242,000	1,134,700
Kewaunee	47,500	21,900	37,500	106,900
LaCrosse	241,300	115,300	180,600	537,200
Lafayette	85,300	26,400	49,700	161,400
Langlade	62,200	32,500	42,900	137,600
Lincoln	133,100	45,000	57,400	235,500
Manitowoc	304,900	92,500	135,400	532,800
Marathon	359,900	175,900	215,200	751,000
Marinette	177,600	54,400	87,100	319,100
Marquette	102,100	28,700	44,000	174,800
Menominee	15,800	3,300	5,400	24,500

County	Fines and Forfeitures	Circuit Court Fees	Other Fees & Surcharges	County Total
Milwaukee	\$2,705,400	\$1,253,200	\$867,700	\$4,826,300
Monroe	226,000	71,000	96,100	393,100
Oconto	171,200	52,000	71,300	294,500
Oneida	161,900	68,800	103,400	334,100
Outagamie	384,700	225,800	337,600	948,100
Ozaukee	230,700	80,800	127,400	438,900
Pepin	23,400	8,100	12,300	43,800
Pierce	87,800	39,100	67,300	194,200
Polk	126,400	67,400	75,300	269,100
Portage	193,900	99,000	131,000	423,900
Price	52,000	19,200	31,800	103,000
Racine	1,138,200	337,000	356,200	1,831,400
Richland	76,800	28,500	49,700	155,000
Rock	587,700	259,200	307,600	1,154,500
Rusk	62,900	22,200	28,400	113,500
Sauk	361,100	133,100	241,800	736,000
Sawyer	86,900	29,300	63,900	180,100
Shawano	383,500	79,300	138,200	601,000
Sheboygan	321,500	140,600	183,500	645,600
St. Croix	290,700	127,600	156,000	574,300
Taylor	82,300	26,700	40,800	149,800
Trempealeau	132,800	46,300	72,900	252,000
Vernon	52,400	24,800	29,100	106,300
Vilas	86,400	34,500	54,400	175,300
Walworth	496,800	143,300	200,300	840,400
Washburn	73,300	27,100	43,800	144,200
Washington	343,400	129,800	168,300	641,500
Waukesha	640,500	319,700	424,200	1,384,400
Waupaca	173,900	73,900	107,500	355,300
Waushara	151,000	44,900	83,600	279,500
Winnebago	475,900	236,000	371,600	1,083,500
Wood	<u>298,500</u>	<u>91,200</u>	<u>164,500</u>	<u>554,200</u>
Grand Total	\$19,234,800	\$7,641,500	\$9,985,900	\$36,862,200