

1991 Senate Bill 356

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1991 WISCONSIN ACT 134

AN ACT to repeal 778.25 (2) (e) and 806.10 (1m); and to amend 778.25 (2) (f) and 806.10 (1) (intro.) of the statutes, relating to: judgment docket entries in large claims court and removing information from the citation form used for certain forfeitures (suggested as remedial legislation by the director of state courts).

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the director of state courts and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of this bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 778.25 (2) (e) of the statutes is repealed.

SECTION 2. 778.25 (2) (f) of the statutes is amended to read:

778.25 (2) (f) Provisions for deposit ~~and stipulation~~ in lieu of a court appearance.

NOTE: The repeal of s. 778.25 (2) (e), stats., and the amendment of s. 778.25 (2) (f), stats., eliminate the statutory requirement that a citation form for certain forfeiture violations provide a stipulation provision and include information concerning the maximum forfeiture, penalty assessment, jail assessment and other penalties for which the defendant may be liable. These changes were recommended by the records management committee, an advisory committee to the director of state courts, for the following reasons:

1. It is nearly impossible to include the above items plus other required information on the back of a citation without going to a multipage citation or using unreadably small print.

2. Frequent changes in the applicable penalties require frequent reprinting of the citations.

3. The maximum penalties do not inform an individual of the usual and customary penalties.

4. The deletions are consistent with the revisions applicable to the uniform traffic citation forms enacted in 1989 Wisconsin Act 170.

SECTION 3. 806.10 (1) (intro.) of the statutes is amended to read:

806.10 (1) (intro.) At the time of entry of a judgment directing in whole or in part the payment of money, or a judgment naming a spouse under s. 806.15 (4), and upon payment of the fee prescribed in s. 814.61 (5) (b), the clerk shall enter in a judgment docket, either arranged alphabetically or accompanied by an alphabetical index, a docket of such judgment containing:

NOTE: This amendment clarifies that the clerk of circuit court has discretion to defer the docketing of a judgment until the prescribed docketing fee is paid. The absence of an explicit fee requirement in s. 806.10 (1) (intro.), stats., previously gave rise to questions about the clerk's authority to withhold docketing until payment of the fee. The amendment conforms the statutes to the opinion of the attorney general in OAG 10-90 that clerks have the discretion to defer docketing until the fee is paid. The attorney general added, however, that the deferral discretion is limited by a duty to make a reasonable effort to make the fee-prepayment requirement known to the party submitting the judgment for docketing.

SECTION 4. 806.10 (1m) of the statutes is repealed.

SECTION 5. Initial applicability. The treatment of section 778.25 (2) (e) and (f) of the statutes first applies to citations issued on the effective date of this SECTION.