



ENGROSSED 1997 SENATE BILL 287

March 2, 1998 - Printed by direction of ASSEMBLY CHIEF CLERK.

1 **AN ACT** *to renumber and amend* 800.04 (2m); and *to create* 800.04 (2m) (b) and
2 (c) of the statutes; **relating to:** default judgments in municipal court cases.

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed 1997 Senate Bill 287 consists of the bill and Senate Amendment 1 to the bill adopted on February 12, 1998. The text also includes the March 3, 1998, chief clerk's correction to Senate Amendment 1.

Content of Engrossed 1997 Senate Bill 287:

The bill, as amended by Senate Amendment 1, allows municipal courts, except in 1st class cities, to enter a default judgment against a defendant if the defendant has not appeared at the scheduled initial appearance and has not deposited the appropriate money with the court to pay for the violation and if the municipality has served the defendant by 1st class mail in an envelope that has a return address and the envelope has not been returned to the municipality unopened.

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

3 **SECTION 1.** 800.04 (2m) of the statutes is renumbered 800.04 (2m) (a) and
4 amended to read:

ENGROSSED SENATE BILL 287**SECTION 1**

1 800.04 (2m) (a) If a defendant does not appear at the initial appearance, the
2 court may issue a warrant to bring the defendant before the court. Upon proof of
3 personal service of the summons or citation under s. 800.01 (1), or upon proof of
4 service of the summons or citation under s. 801.11 (1) (b), the court may enter a
5 default judgment by reason of the failure of a defendant to respond to a citation under
6 s. 800.02 (2) (a) or a summons under s. 800.02 (4). If a warrant is issued for a
7 defendant under this ~~subsection~~ paragraph, the defendant may be detained in jail
8 prior to the initial appearance.

9 **SECTION 2.** 800.04 (2m) (b) and (c) of the statutes are created to read:

10 800.04 (2m) (b) Notwithstanding par. (a), the court may enter a default
11 judgment by reason of the failure of a defendant to respond to a citation under s.
12 800.02 (2) (a) or a summons under s. 800.02 (4) if all of the following occur:

- 13 1. The defendant does not appear at the initial appearance.
- 14 2. The defendant has not made a plea of no contest and a deposit under s. 800.03
15 (1).
- 16 3. Service was by 1st class mail to the defendant's last-known address.
- 17 4. The envelope enclosing the summons or citation includes the sender's return
18 address.
- 19 5. The envelope enclosing the summons or citation is not returned unopened
20 to the sender before the scheduled date of the court hearing.

21 (c) The provisions of 1997 Wisconsin Act (this act) would not apply to default
22 judgments in municipal court cases in a city of the 1st class.

23 **SECTION 3. Initial applicability.**

